

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

**CONTEMPT OF A COURT, TRIBUNAL OR INSTITUTION**

**ACT, No. 8 OF 2024**

**[Certified on 01st of February, 2024]**

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| *Contempt of a Court,Tribunal or Institution* | 1 |

*Act, No. 8 of 2024*   
[Certified on 01st of February, 2024]

L.D.- O. 55/2021   
AN ACTTOPROVIDEFORTHEUNIFORMAPPLICATIONOFTHELAWRELATING

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FORTHEPROCEDUREINPUNISHINGTHECONTEMPTOFACOURT,

TRIBUNALORINSTITUTION; ANDTOPROVIDEFORMATTERSCONNECTED

THEREWITHORINCIDENTALTHERETO.

BE it enacted by the Parliament of the Democratic Socialist   
Republic of Sri Lanka as follows: -  
 **1.** This Act may be cited as the Contempt of a Court, Short title

Tribunal or Institution Act, No. 8 of 2024.

**2.** The objects of this Act shall be to–Objectsof the

Act

(*a*) uphold the dignity and authority of a court,   
 tribunal and institution;   
(*b*) protect the due administration of justice;   
(*c*) ensure adherence to judicial directives;   
(*d*) preserve and maintain the effectiveness and   
 impartiality of a court, tribunal and institution;   
(*e*) strike a balance between the right of expression,   
 fair comment and compliance with judicial   
 directives;   
(*f*) set out with precision the ambit of contempt of a   
 court, tribunal and institution; and   
(*g*) ensure the observance of, and respect for, the   
 due process of law.

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| Certain acts  deemed to be contempt of a court, | **3.** (1) Save as provided for in any other written law and subject to the provisions of the Constitution, any person who commits an act or omission with intent to- |

tribunal or   
institution (*a*) bring the authority of a court, tribunal or institution and administration of justice intodisrespect or disregard; or

(*b*) interfere with, or cause grave prejudice to the judicial process in relation to any ongoing litigation,

commits contempt of a court, tribunal or institution, as the case may be.

(2) Save as provided for in any other written law and subject to the provisions of the Constitution, any person who does any of the following acts commits contempt of a court, tribunal or institution, as the case may be-

(*a*) willful disobedience to any judgment, decree, direction, order, writor other process of a court, tribunal or institution;

(*b*) willful breach of an undertaking given to a court, tribunal or institution;

(*c*) expressing, pronouncing or publishing any matter that is false which, or doing any other act which-

(i) scandalizes or lowers the judicial authority   
 or dignity of a court, tribunal or institution;

(ii) gravely prejudices, or unlawfully interferes   
 with, the due course of any judicial   
 proceeding; or

(iii) interferes with, or obstructs the administration   
 of justice;

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(*d*) (i) use of any electronic device or other instrument for audio or visual recording or both, in a court, tribunal or institution, or bringing into a court, tribunal or institution any such device or instrument for the purpose of audio or visual recording or both, without the leave of the court, tribunal or institution already obtained;

(ii) publication or transmission of an audio or a visual   
recording or both, of a proceeding or part of a   
proceeding of a court, tribunal or institutionmade   
by means of any electronic device or other   
instrument, or any suchrecording derived directly   
or indirectly from such device or instrument   
without the leave of the court, tribunal or   
institutionalready obtained;

(iii) use of any electronic device or other instrument,   
or publication or transmission of an audio or a   
visual recording or both, of a proceeding of a   
court, tribunal or institution, in contravention of   
any leave granted under sub-paragraph (i) or   
sub-paragraph (ii);or

(iv) tampering, altering or falsifying any audio or   
visual recording or both, of a proceeding of a   
court, tribunal or institution; or

(*e*) scandalizing a court, tribunal or institution, or a   
 judge or judicial officer with intent to-

(i) interfere with the due administration of   
 justice;

(ii) excite dissatisfaction in the minds of the   
 public in regard to a court, tribunal or   
 institution; or

(iii) cast public suspicion on the administration   
 of justice.

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| Defences against contempt of a  court, tribunal  or institution | **4.** (1) Any publication or expression of accurate facts made in good faith of a judge or judicial officer or, proceeding, judgment or order of a court, tribunal or institution as the case may be, on a matter of public interest shall not be deemed to be contempt of such court, tribunal or institution, where the risk of causing any impediment or prejudice to such judge or judicial officer or proceeding, judgement or order is merely incidental. |

**(**2) Any publication or expression-

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| (*a*)  (*b*) | of accurate facts of any case or proceedings before a court, tribunal or institution made without malice or intention to impair the administration of justice; or  of fair comments on the merits of any judgment or order of a court, or action or application which has been heard and decided, |

shall not be deemed to be contempt of a court, tribunal or institution where every attempt has been made to avoid any contempt and such publication or expression has been done *bona fide.*

(3) The provisions of subsections (1) and (2) shall not be construed as affecting or limiting any other valid defence for contempt of a court, tribunal or institution, contained in any other written law.

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| Non-disclosure of source of  information | **5.** A person shall not be- | |
| (*a*) | required to disclose, during the court proceedings; |
| or | |
| (*b*) | found guilty of contempt of court for rufusing to |
| disclose, | |

the source of information contained in a publication for which he is responsible, unless it is established to the

satisfaction of the court that disclosure is necessary in the

interest of justice or national security or for the prevention

of disorder or crime.

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| **6.** (1) The Supreme Court and the Court of Appeal shall have the power to punish for contempt of itself, whether committed in its presence or hearing or elsewhere.  (2) Where the Supreme Court or the Court of Appeal, as the case may be, in the exercise of its jurisdiction as referred to in subsection (1), takes cognizance- | | Power of the  Supreme Court  and the Court of Appeal to  punish contempt of a court,  tribunal or  institution |
| (*a*) | of contempt of court committed in its presence or |

hearing, the Supreme Court or the Court of Appeal   
shall hear and determine such matter in accordance   
with the procedure set out in section 8; and

(*b*) of contempt of court committed otherwise than in   
 its presence or hearing, the Supreme Court or the   
 Court of Appeal shall hear and determine such   
 matter in accordance with the procedure set out in   
 section 9.

(3) The Court of Appeal shall have the power to punish for contempt of a Court of First Instance or tribunal or institution,whether committed in its presence or hearingor elsewhere:

Provided however, the provisions of this section shall not prejudice or affect the rights ofa Courtof First Instance to punish for contempt of itself.

(4) Where the Court of Appeal, in the exercise of its jurisdiction as referred to in subsection (3), takes cognizance of contempt of a Court of First Instance or tribunalor institution referred to in that subsection, the Court of Appeal shall hear and determine such matter in accordance with the procedure set out in section 10.

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| **7.** (1)Notwithstanding the provisions of any other written law, the Courts of First Instance shall have the power to punish for contempt of court committed in its presence or hearing or in the course of proceedings in such Courts of | Power ofthe  Courts of First  Instance to  punish contempt of court |

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First Instance, or any act which is specified in this Act or in any other writtenlaw for the time being in force as being punishable as contempt of court, subject to the provisions of this Act.

(2) Where any Court of First Instance takes cognizance of contempt of court referred to in subsection (1), such Court of First Instance shall hear and determine such matter in accordance with the procedure set out in section 11.

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| Procedure where contempt of  court is in the  presence of the Supreme Court  or the Court of  Appeal | **8**. (1)Where it is alleged, or appears to the Supreme Court or the Court of Appeal, as the case may be, that a person has committed contempt of court in its presence or hearing, the Supreme Court or the Court of Appeal may- | |
| (*a*) | cause such person to be detained in custody; |
| (*b*) | at any time before the rising ofthe Supreme Court |

or the Court of Appeal, on the day on which the   
contempt of court is alleged to have been committed   
or as early as possible thereafter, cause a rule to be   
issued on him signed by the Registrar of the Court,   
giving particulars in writing of the contempt of   
court with which he is charged; and

(*c*) fix a date for the hearing of the charge.

(2) On the date fixed for the hearing of the charge, the person charged with contempt of court shall be afforded an opportunity to make his defence to the charge.

(3) The Supreme Court or the Court of Appeal, as the case may be, shall, after affording the person charged with contempt of court an opportunity to furnish an affidavit in defence and hearing the person charged with contempt of court and taking such evidence as may be necessary or as

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may be offered by such person, proceed either forthwith or after such adjournment as the Supreme Court or the Court of Appealmay think fit, to determine the charge and to make order for the punishment or discharge of the person charged.

(4) Notwithstanding anything contained in the preceding provisions of this section, where a person charged with contempt of court under subsection (1) applies, whether orally or in writing, to have the charge against him tried by some Judge or Judges other than the Judge or Judges in whose presence or hearing the contempt of court is alleged to have been committed, the Court shall cause the matter to be placed, together with a statement of the facts of the case, before the Chief Justice or the President of the Court of Appeal as the case may be, for such directions as the Chief Justice or the President of the Court of Appeal as the case may be, may think fit to issue with respect to the trial of the charge.

(5) Notwithstanding anything contained in any other written law, at the trial of a person charged with contempt of courtunder subsection (1) which is held, in pursuance of a direction issued under subsection (4), by a Judge or Judges other than the Judge or Judges in whose presence or hearing the contempt of court is alleged to have been committed, the statement of facts placed before the Chief Justice or the President of the Court of Appeal as the case may be, under subsection (4) by the Judge or Judges in whose presence or hearing the contempt of court is alleged to have been committed shall be received in evidence, but no such Judge or Judgesshall be summoned or examined as a witness.

(6) The provisions of subsections (2) and (3) shall, *mutatis mutandis* but subject to the provisions of subsection (5), apply to the hearing and determination of the charge by the Judge or Judges other than the Judge or Judges in whose

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presence or hearing the contempt of courtis alleged to have been committed, in pursuance of a direction issued under subsection (4).

**(**7) The Supreme Court or the Court of Appeal, as the case may be, may, pending the determination of a charge under this section, direct that such person be released on bail subject to such conditions as such Court may deem fit to impose.

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| Procedure where contempt of  court is not in  the presence of the Supreme  Court or the  Court of Appeal | **9**. (1) The Supreme Court or the Court of Appeal, as the case may be, may take cognizance of contempt of court committed against it, or in disrespect of its authority, other than contempt of court committed in its presence or hearing, on- | |
| (*a*) | its own motion; |
| (*b*) | a motion filed by the Attorney-General, together |

with any document or thing in support of the motion;   
or

(*c*) a motion filed by any other person, together with   
 an affidavit and any document or thing in support   
 of the motion.

(2)Every motion or affidavitfiled under subsection (1) shall set out the particulars of the contempt of court alleged to have been committed by the person alleged to have committed the contempt of court.

(3)The Supreme Court or the Court of Appeal, as the case may be, shall, after perusing the motion, and the affidavit, document or thing filed under subsection (1) and satisfying itself that a *prima facie* case of contempt of courthas been established against the person alleged to have committed such contempt-

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(*a*) cause a rule to be issued on such person signed by   
 the Registrar of the Court, giving particulars in   
 writing of the contempt of court with which he is   
 charged;

(*b*) direct that such rule, together with a copy of the   
 document filed under subsection (1), be served   
 personally on such person; and

(*c*) fix a date for the hearing of the charge.

(4) On the date fixed for the hearing of the charge, the Attorney-General may lead the evidence of such witness relevant to the document filed under subsection (1), if necessary, subject to the right of cross-examination of the person charged with contempt of court.

(5) On the date fixed for the hearing of the charge, the person charged with contempt of court shall be afforded an opportunity to make his defence to the charge and shall be entitled to file an affidavit or to adduce evidence in his defence.

(6) The Supreme Court or the Court of Appeal, as the case may be, shall hear and determine the charge after considering the affidavit filed by the person charged with contempt of court or after hearing the evidence adduced by such person, as the case may be.

(7) Pending the determination of a charge under this section, the Supreme Court or the Court of Appeal, as the case may be, may direct that-

(*a*) the person charged with contempt of court under   
 this section be detained in such custody as it may   
 specify; or

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(*b*) such person be released on bail subject to such   
conditions as it may deem fit to impose.

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| Procedure for the exercise of jurisdiction of the Court of | **10.** (1) The Court of Appeal may take cognizance of contempt committed against, or in disrespect of the authority of, a Court of First Instance or tribunal or an institution on- |

Appeal in

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| respect of | (*a*) | a reference made to it by such Court of First |
| contempt |
| committed | (*b*) | Instance, tribunal or institution; |
| against a Court |
| of First Instance, | a motion filed by the Attorney-General, together |
| tribunal or |
| institution | with any document or thing in support of the motion; |

or

(*c*) a motion filed by any other person, together with   
 an affidavit and any document or thing in support   
 of the motion.

(2) Every reference made, or motion or affidavit filed under subsection (1) shall set out the particulars of the contempt of the court, tribunal or institution as the case may be**,** alleged to have been committed by the person alleged to have committed such contempt**.**

(3) The Court of Appeal shall, after perusing the reference made or the motion or affidavit filed under subsection (1), as the case may be, and satisfying itself that a *prima facie* case of contemptof a court, tribunal or institution, as the case may be**,** has been established against the person alleged to have committed such contempt**-**

(*a*) cause a rule to be issued on such person signed by   
the Registrar of the Court, giving particulars in   
writing of the contempt of court, tribunal or   
institution, with which he is charged;

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(*b*) direct that such rule**,** together with a copy of the   
 reference or motion and document made or filed   
 under subsection (1), be served personally on such   
 person; and

(*c*) fix a date for the hearing of the charge.

(4) On the date fixed for the hearing of the charge, the Attorney-General may lead the evidence of such witness relevant to the document filed under subsection (1), if necessary, subject to the right of cross-examination of the person charged with contempt.

(5) The Court of Appeal shall hear and determine the charge after considering the affidavit filed by the person charged with suchcontempt or after hearing the evidence adduced by such person, as the case may be.

(6) Pending the determination of a charge under this section, the Court of Appeal may direct that-

(*a*) the person charged with contempt of a court,   
 tribunal or institutionunder this section be   
 detained in such custody as it may specify; or

(*b*) such person be released on bail subject to such   
 conditions as it may deem fit to impose.

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| **11.** (1) Where aCourt of First Instance takes cognizance of contempt of court committed against, or in disrespect of the authority of,such Court of First Instance, such Court of First Instanceshall, subject to the provisions of subsections (2) and (3), hear and determine such matter in accordance with the procedure set out in Chapter LXV of the | Procedure for  the exercise of jurisdiction  conferred on  the Courts of  First Instance to try contempt of court |

Civil Procedure Code.

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(2) Where the Judge ofa Court of First Instancereferred to in subsection (1) acts under section 795 of the Civil Procedure Code, **s**uch Judge shall inquire from the accused whether he wishes to be tried by a Judge other than the Judge in whose presence or hearing the contempt of court is alleged to have been committed**.**

(3) If the accused indicates to the Judge of such Court of First Instance, in response to the inquiry under subsection (2), orally or in writing, that he wishes to be tried by a Judge other than the Judge in whose presence or hearing the contempt of courtis alleged to have been committed, such Judge shall cause the matter to be placed, together with the minutes of the facts recorded by such Judge, before the Chief Justice for such directions as the Chief Justice may think fit to issue with regard to the hearing of the charge.

Appeals **12.** (1) An appeal may lie from any order or decision of the Court of Appeal in the exercise of its jurisdiction to punish for contempt of itself and a Court of First Instance**,**  tribunal or institution, as the case may be, to the Supreme Court.

(2) The Supreme Court may, pending any appeal, order that–

(*a*) the execution of the punishment, or the order or   
decisionappealed against be suspended; or

(*b*) the appellant, if heis in confinement, be released   
on bail.

(3) Where any person who is aggrieved by any order or decisionof aCourt of First Instance, against which an appeal may be filed, indicates to such Court of First Instance that he intends to prefer an appeal against such order or decisionto the Court of Appeal, such Court of First Instance shall, until the expiry of the time limit for the filing of the appeal, order–

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(*a*) the execution of the punishment, or the order or   
decisionappealed against be suspended; or

(*b*) the appellant, if he is in confinement, be released   
 on bail.

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| **13.** (1) A court shall not initiate any proceedings in relation to contempt of a court, tribunal or institution, either on its own motion or otherwise, after the expiry of a period of one year from the date on which such contempt was formally brought to the attention of that court. | Period of  limitation for  proceedings for contempt of a  court, tribunal or institution |

(2) A tribunal or institution shall not refer to the Court of Appeal any matter relating to the contempt of such tribunal or institution, after the expiry of a period of one year from the date on which such contempt was formally brought to the attention of that tribunal or institution.

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| **14.** Where contempt of a court, tribunal or institution under this Actis committed by a body of persons, then- | | Contempt of a  court, tribunal  or institution by a body of  persons |
| (*a*) | if that body of persons is a body corporate, every |

director, manager or secretary of that body corporate   
at the time of the commission of such contempt;

(*b*) if that body of persons is a firm, every partner of   
 that firm at the time of the commission of such   
 contempt; and

(*c*) if that body of persons is an unincorporated body,   
 every individual who is a member of such   
 unincorporated body at the time of the commission   
 of such contempt,

shall be deemed to have committed that contempt:

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Provided however, any director, manager or secretary of such body corporate or any partner of such firm or any individual of such unincorporated body shall not be deemed to have committed such contempt if he proves to the satisfaction of the court that such contempt was committed without his knowledge or that he exercised all due diligence to prevent the commission of such contempt.

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| This Act to  prevail over  other law | **15.** The provisions of this Act shall have effect notwithstanding anything to the contrarycontained in any other written law, and accordingly, in the event of any |

inconsistency between the provisions of this Act and such other law, the provisions of this Act shall prevail.

Interpretation **16.** In this Act, unless the context otherwise requires –

“Civil Procedure Code” means, the Civil Procedure   
 Code (Chapter 101);

“Court of First Instance” means, the High Court of the   
Republic of Sri Lanka, the High Court for a   
Province established by Article 154P of the   
Constitution, the District Court, the Family   
Court, the Small Claims Court, the Magistrate’s   
Court orthe Primary Court;

“institution” means, an institution created and   
established by written law for the administration   
of justice and for the adjudication and settlement   
of industrial and other disputes;

“publish” means, to disseminate, distribute, exhibit,   
provide or communicate by oral, visual, written,   
electronic or other means including by way of   
newspaper, radio, television or through the use

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of the internet or other online communication   
system, to the public at large or a member of the   
public, and includes causing to be published,   
and “publication” is to be construed   
accordingly; and

“tribunal” means, a tribunal created and established   
by written law for the administration of justice   
and for the adjudication and settlement of   
industrial and other disputes.

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| **17.** 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 |

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