

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

*————————*

**PENAL CODE (AMENDMENT)**

**A**

**BILL**

**to amend the Penal Code (Chapter 19)**

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*Presented by the Minister of Justice on 13th of November, 2020*

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*Ordered by Parliament to be printed*

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**[Bill No. 12]**

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*STATEMENT OF LEGAL EFFECT*

*Clauses 2 to 30:* These clauses make provisions to amend the Penal Code (Chapter 19) by replacing outdated words and expressions appearing in that Code with the words and expressions which reflect the contemporary position.

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| *Penal Code (Amendment)* | 1 |

L.D.—O. 43/2016

AN ACTTOAMENDTHE PENAL CODE ( CHAPTER 19 )

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

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| **1.** | This Act may be cited as the Penal Code | Short title. |

(Amendment) Act, No. of 2020.

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| 5 | **2.** | The word “Ceylon”, wherever it appears in the Penal | Replacement |
| Code (Chapter 19) (hereinafter referred to as the “principal | | of the word |
| “Sri Lanka” |
| enactment”) other than in sections 3, 18A, 120, 138, 158, | |
| for the word |
| 10 | 159, 160, 225 and 256A thereof, shall be substituted with the | | “Ceylon” in |
| word “Sri Lanka”. | | Chapter 19. |
| **3.** | The word “Queen”, wherever it appears in the | Replacement |
| principal enactment, other than in sections 19, 115 and 120 | | of the word |
| “Republic” |
| thereof, shall be substituted with the word “Republic”. | |
| for the word |

“Queen” in

the principal   
enactment.

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| 15 | **4.** | Section 12 of the principal enactment is hereby | | Replacement |
| repealed and the following section is substituted therefor:- | | | of section 12 |
| of the |
| “Republic. | | 12. The word “Republic” denotes the | principal |
| enactment. |

Democratic Socialist Republic of Sri Lanka.”.

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| 20 | **5.** | Section 13 of the principal enactment is hereby | | Repeal of |
| repealed. | | | section 13 of |
| the principal |
| **6.** | Section 14 of the principal enactment is hereby | | enactment. |
| Replacement |
| repealed and the following section is substituted therefor:- | | | of section 14 |
| of the |
| “Government. | | 14. The word “Government”, where no | principal |
| enactment. |

other meaning is indicated by any descriptive   
or qualifying words or by the context, and the

2 *Penal Code (Amendment)*

expression “the Sri Lanka Government” or “the   
Government of Sri Lanka” shall mean the   
Government constituted by the Constitution   
of the Democratic Socialist Republic of Sri

|  |  |  |  |  |
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| 5 | Lanka, 1978.”. | | | Replacement |
| **7.** | Section 15 of the principal enactment is hereby | |
| 10 | repealed and the following section is substituted therefor:— | | | of section 15 |
| of the |
| ““This  Island” and“Sri Lanka.” | | 15. The words “this Island” and “Sri Lanka”denote respectively, the Island of Sri Lanka.”. | principal |
| enactment. |
| **8.** | Section 16 of the principal enactment is hereby | | Replacement |
| repealed and the following section is substituted therefor:— | | | of section 16 |
| of the |
| “President. | | 16. The word “President” shall mean the | principal |
| enactment. |
| President of the Democratic Socialist Republic | | |

of Sri Lanka and shall include any person duly 15 appointed or designated to exercise, perform and discharge the powers, duties and functions of his office.”.

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| 20 | **9.** | Section 17 of the principal enactment is hereby | | | Amendment |
| amended by the ommision of illustration (*b*) thereof. | | | | of section 17 |
| of the |
| **10.** | Section 18A of the principal enactment is hereby | | | principal |
| enactment. |
| Amendment |
| 25 | amended by the substitution for all the words from “any | | | | of section |
| 18A of the |
| enactment or any statute” to the end of that section, of the | | | |
| principal |
| words, “any enactment of the legislature of Sri Lanka or | | | |
| enactment. |
| under the Ceylon (Parliamentary Elections) Order in | | | |
| Council, 1946 or any rules or regulations made thereunder.”. | | | |
| 30 | **11.** | Section 19 of the principal enactment is hereby | | | Amendment |
| amended by— | | | | of section 19 |
| of the |
| (1) | the substitution for all the words from “*Firstly*” to | | | principal |
| enactment. |
| “air forces of the Queen.”, of the words:— | | | |
| “*Firstly* | | - | Every person holding any office |
| in Sri Lanka by virtue of any | | | |

*Penal Code (Amendment)*  3

commission or warrant or other act   
of appointment, granted or made   
by the President or under the   
President’s authority.

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| 5 | *Secondly* - | Every member of the Sri Lanka |

Administrative Service.

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| --- | --- | --- |
| *Thirdly* | - | Every conmissioned officer in the |

naval, military or air forces of the   
Republic of Sri Lanka.”; and

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| 10 | (2) | the substitution in the illustration thereof, for the |

words “A police Vidahn”, of the words “A   
Gramaseva Niladari”.

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| 15 | **12.** | Section 25 of the principal enactment is hereby | Amendment |
| amended by the substitution for the word “wife”, wherever | | of section 25 |
| of the |
| it appears in that section, of the word “spouse”. | |
| principal |
| **13.** | Section 53 of the principal enactment is hereby | enactment. |
| Amendment |
| amended by the substitution for the word “Governor- | | of section 53 |
| of the |
| 20 | General’s”, of the word “President’s”. | |
| principal |
| enactment. |
| **14.** | Section 56 of the principal enactment is hereby |
| Amendment |
| amended in the illustration thereof by the substitution for | | of section 56 |
| of the |
| 25 | the words “waging war against the Government,” of the | | principal |
| enactment. |
| words “waging war against the Republic,”. | |
| **15.** | Section 115 of the principal enactment is hereby | Amendment |
| amended by the substitution for the words “to deprive the | | of section |
| 115 of the |
| Queen of the sovereignty of Ceylon or of any part thereof, or | |
| principal |
| enactment. |
| of any of her Majesty’s Realms and Territories,”, of the words | |

“to deprive the People of the Republic of Sri Lanka of their sovereignty in Sri Lanka or any part thereof,”.

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| 5 | 4 | *Penal Code (Amendment)* | Amendment |
| **16.** | Section 119 of the principal enactment is hereby |
| amended by the substitution— | | of section |
| 119 of the |
| (1) | for the words “Governor-General or a Senator or | principal |
| enactment. |
| Member of Parliament”, wherever those words | |
| appear in that section of the words “President or a | |

Member of Parliament”; and

(2) in the marginal note, for the word “Governor-  
 General”, of the word “President”.

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| 10 | **17.** | Section 120 of the principal enactment is hereby | Amendment |
| amended— | | of section |
| 120 of the |
| (1) | by the substitution for the words “the Queen or to | principal |
| enactment. |

Her Government in Ceylon,”, of the words “the   
President or to the Government of the Republic”;

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| 15 | (2) | by the substitution for the words “the Queen’s | |
| (3) | subjects” and “subjects”, respectively, of the words, | |
| “the People of Sri Lanka” and “people”; | |
| in the explanation thereof,— | |
| (*a*) | by the substitution for the words “the |

Queen or Her Government in Ceylon,” of

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| 20 | (*b*) | the words “the President or the |
| Government of the Republic”; and |
| by the substitution for the words “the |

Queen’s subjects” wherever those words

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| --- | --- | --- | --- |
| 25 | appear in the explanation, of the words | | Amendment |
| “the People of Sri Lanka”. | |
| **18.** | Section 138 of the principal enactment is hereby |
| amended— | | of section |
| 138 of the |
| (1) | by the substitution for the words “Her majesty’s | principal |
| enactment. |

Government in Ceylon or the Senate or the House

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| 30 | of Representatives”, of the words “the Government of the Republic or the Parliament”; and |

*Penal Code (Amendment)*  5

(2) by the substitution for the words “Governor-General of Ceylon.” of the words “President of the Republic.”.

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| 5 | **19.** | Section 158 of the principal enactment is hereby | Amendment |
| amended by the substitution for the words “Government of | | of section |
| 158 of the |
| Ceylon”, of the words “Government of the Republic”. | |
| principal |
| 10 | **20.** | Section 159 of the principal enactment is hereby | enactment. |
| Amendment |
| amended by the substitution for the words “the Senate or | | of section |
| 159 of the |
| House of Representatives or the Executive Government of | |
| principal |
| Ceylon”, of the words “the Parliament or the Executive | | enactment. |

Government of the Republic”.

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| 15 | **21.** | Section 160 of the principal enactment is hereby | Amendment |
| amended— | | of section |
| 160 of the |
| (1) | by the substitution for the words “the Senate or | principal |
| enactment. |
| House of Representatives or the Executive | |

Government of Ceylon” of the words “the Parliament   
or the Executive Government of the Republic”; and

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| 20 | (2) | in the illustration thereof, by the substitution | Amendment |
| for the words “An advocate” of the words | |
| “An attorney-at-law”. | |
| **22.** | Section 162 of the principal enactment is hereby |
| amended— | | of section |
| 162 of the |
| (1) | by the substitution for the words “the Government” | principal |
| enactment. |

of the words “the Republic”; and

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| 25 | (2) | in the marginal note thereof, by the substitution for |
| the words “the Government” of the word “the |

Republic”.

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| 30 | **23.** | Sections 191 and 192 of the principal enactment | Amendment |
| are hereby amended by the substitution for the words “this | | of sections |
| 191 and 192 |
| code or the law of England”, of the words “this code or any | |
| of the |
| other enactment for the time being in force”. | | principal |
| enactment. |

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| 5 | 6 | *Penal Code (Amendment)* | Amendment |
| **24.** | Section 225 of the principal enactment is hereby |
| amended— | | of section |
| 225 of the |
| (1) | by the substitution for the words “issued by the | principal |
| enactment. |
| authority of the Government of Ceylon or under | |
| the Currency Ordinance, No. 21 of 1941, or any | |
| 10 | enactment in operation for the time being relating | | Amendment |
| to the issue of coins in Ceylon or by the authority | |
| of the Government of any part of Her Majesty’s | |
| Realms and Territories” of the words “issued by the | |
| authority of the Government of Ceylon or under | |
| the Currency Ordinance, No. 21 of 1941 or under | |
| the Monetary Law Act (Chapter 422) or under any | |
| enactment in operation for the time being relating | |
| 15 |
| to the issue of coins in Sri Lanka”; and | |
| (2) | by the substitution for the words “in Ceylon or in |
| any part of Her Majesty’s Realms and Territories”, | |
| of the words “in Sri Lanka”. | |
| **25.** | Section 256A of the principal enactment is hereby |
| 20 | amended by the substitution for the words “Her Majesty’s | | of section |
| 256A of the |
| Government in Ceylon and also the Government in any part | |
| principal |
| of Her Majesty’s Realms and Territories or in any foreign | |
| enactment. |
| 25 | country.”, of the words “the Government of any foreign | | Amendment |
| country.”. | |
| **26.** | Section 398 of the principal enactment is hereby |
| amended in the illustration (*a*) thereof, the substitution for | | of section |
| 398 of the |
| the words “Civil Service,”, of the words “Sri Lanka | |
| principal |
| Adminstrative Service,”. | |
| enactment. |
| 30 | **27.** | Section 449 of the principal enactment is hereby | Amendment |
| amended by the substitution for the word “Crown.”, of the | | of section |
| 449 of the |
| word “State.”. | |
| principal |
| 35 | **28.** | Section 468 of the principal enactment is hereby | enactment. |
| Amendment |
| amended by the substitution for the words “in any part of | | of section |
| 468 of the |
| Her Majesty’s Realms and Territories or in any foreign | |
| principal |
| country”, wherever those words appear in that section, of | |
| enactment. |
| the words “in Sri Lanka or in any foreign country”. | |

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| 5 | *Penal Code (Amendment)* | | 7 | Amendment |
| **29.** | Section 478A of the principal enactment is hereby | |
| of section |
| amended by the repeal of paragraph (*b*) of subsection (2) | | |
| 478A of the |
| thereof and the substitution therefor of the following | | |
| principal |
| paragraph:— | | | enactment. |
| “(*b*) | “currency note” means a currency note issued under | |

the Currency Ordinance, No. 21 of 1941, or under the Monetary Law Act (Chapter 422), or any enactment in operation for the time being relating to the issue of paper currency in Sri Lanka and 10 includes any note of a similar character, by whatever name called, issued by or on behalf of the Government of any foreign State.”.

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| 15 | **30.** | Section 485 of the principal enactment is hereby | Amendment |
| amended by the substitution for the words “of Her Majesty”, | | of section |
| 485 of the |
| of the words “of the Republic”. | |
| principal |
| **31.** | In the event of any inconsistency between the | enactment. |
| Sinhala text |
| Sinhala and Tamil texts of this Act, the Sinhala text shall | | to prevail in |
| prevail. | | case of |
| inconsistency. |

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| 8 | *Penal Code (Amendment)* |

Department of Government Printing