**THE GAZETTE OF THE DEMOCRATIC SOCIALIST REPUBLIC OF**

**SRI LANKA**

**Part II of May 12, 2023**

**SUPPLEMENT**

*(Issued on 18.05.2023)*



**DECLARATION OF ASSETS AND LIABILITIES (AMENDMENT)**

*(Private Members’ Bill)*

**A**

**BILL**

**to amend the Declaration of Assets and Liabilities**   
**Law, No. 1 of 1975**

*To be presented in Parliament by Hon. Eran Wickramarathne, M. P.*

PRINTEDATTHEDEPARTMENTOFGOVERNMENTPRINTING, SRILANKA   
TOBEPURCHASEDATTHEGOVERNMENTPUBLICATIONSBUREAU, COLOMBO5

**Price : Rs. 20.00**  **Postage : Rs. 150.00**

*This Gazette Supplement can be downloaded from* www.documents.gov.lk 

*STATEMENT OF LEGAL EFFECT*

This Bill seeks to amend the Declaration of Assets and Liabilities Law, No. 1 of 1975 by:

(*a*) Providing for the Commission to Investigate Allegations of Bribery or Corruption to establish an electronic automated asset declaration system, which will enable electronic submission of declarations of assets and liabilities, and public access to same, subject to redaction of specified information;

(*b*) Providing for the filing of extraordinary asset declarations during the course of a year, where the net assets of an individual exceed by a specified amount the previously declared sums;

(*c*) Providing for the appropriate authority to forward declarations of assets and liabilities to the Commisssion to Investigate Allegations of Bribery or Corruption;

(*d*) Providing for public access to Declarations of assets and liabilities subject to redaction of specified information;

(*e*) Providing for the maintenance of secrecy with regard to information which is required to be redacted when providing copeis of declarations of assets and liabilities to the public;

(*f*) Providing for prosecutions to be initiated in terms of the Act, only by or with the consent of the Commission to Investigate Allegations of Bribery or Corruption; and

(*g*) Making consequential amendments to the Act.

|  |  |
| --- | --- |
| *Declaration of Assets and Liabilities (Amendment)* | 1 |

AN ACTTOAMENDTHE DECLARATIONOF ASSETSAND LIABILITIES LAW, NO. 1 OF 1975

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

**1.** This Act may be cited as the Declaration of Assets and Short title Liabilities (Amendment) Act, No. of 2023.

|  |  |  |
| --- | --- | --- |
| 5 | **2.** Section 2 of the Declaration of Assets and Liabilities | Amendment |
| Law, No.1 of 1975 as amended (hereinafter referred to as | of Section 2 |
| of Law, |
| “the principal enactment”), is hereby amended as follows:- |
| No. 1 of |

1975 (1) By the insertion immediately after padragraph (*a*) thereof of the new paragraph:-

|  |  |  |
| --- | --- | --- |
| 10 | (2) | “(*aa*) The President;” |
| In paragraph (*da*), by the omission of the words |

“the Development Councils (Elections) Act, No. 20   
of 1981”;

|  |  |  |
| --- | --- | --- |
| 15 | (3) | In paragraph (*dc*), by the omission of the words |
| “the Development Councils (Elections) Act, No. 20 |

of 1981”;

(4) By the repeal of paragraph (*dd*); and

(5) In paragraph (*de*), by substitution for the words “the   
 Companies Act, No. 17 of 1982” of the words “the

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | Companies Act, No. 7 of 2007”. | | Amendment |
| **3**. Section 3 of the principal enactment is hereby | |
| amended as follows:- | | of Section 3 |
| of the |
| (1) | In subsection (1) by the insertion of the proviso; | principal |
| enactment |

2 *Declaration of Assets and Liabilities (Amendment)*

“Provided that where a declaration of assets and   
liabilities that has been submitted to an appropriate   
authority by a person to whom this law applies via   
the electronic automated asset declaration system

|  |  |
| --- | --- |
| 5 | as per section. 4A, such declaration shall be deemed/ considered to have been duly submitted for the |

purposes of this section.”

(2) In subsection (2) by the substitution for the words  
 “within three months” of the words “within one

|  |  |  |
| --- | --- | --- |
| 10 | (3) | month”;and |
| Immediately after subsection 3, by the insertion of |

the following which shall take effect as subsection   
(4) of section 3:–

|  |  |  |
| --- | --- | --- |
| 15 | “(4) | Where, following the filing of an annual |
| declaration of assets and liabilities pursuant |
| to subsection (3) above, a person to whom |

this law applies has engaged in a transaction   
or cumulative transactions which have the   
effect of varying the net assets and liablilties

|  |  |
| --- | --- |
| 20 | of such person by over Rupees ten million before the next date of filing, such person |

shall file an extraordinary declaration of assets   
and liabilities within one month of the   
threshold of Rupees ten million being met,

|  |  |
| --- | --- |
| 25 | in such form as shall be prescribed by regulation by the Minister within three |

months of the enactment of this Act.”

|  |  |  |
| --- | --- | --- |
| 30 | **4.** Section 4 of the principal enactment is hereby | Amendment |
| amended as follows:- | of Section 4 |
| of the |
| (1) By numbering the existing provisions of section 4, | principal |
| enactment |
| as subsection (1) of section 4; |

(2) in subparagraph (ii) of paragaph (*a*) thereof, by the substitution for the words” and Deputy Ministers” of the

*Declaration of Assets and Liabilities (Amendment)*  3

words “who are Members of the Cabinet of Ministers, Ministers who are not Members of the Cabinet of Ministers, and Deputy Ministers”;

(3) By the insertion immediately after paragraph (*a*) 5 thereof of the new paragraph:-

“(*aa*) to the Office of the Speaker of Parliament, by   
 the President;”

(4) In subparagraph (i) of paragraph (*ia*) thereof, by the omission of the words “the Development Councils 10 (Elections) Act, No. 20 of 1981”;

(5) In subparagraph (ii) of paragraph (*ia*) thereof, by the omission of the words “the Development Councils (Elections) Act, No. 20 of 1981”;

(6) By the repeal of subsection (*ic*) thereof.

15 (7) In the subsection (id) thereof, by substitution for the words “the Companies Act, No. 17 of 1982” of the words “the Companies Act, No. 7 of 2007”; and

(8) Immediately after subsecion (1) by the insertion of the following which shall take effect as subsection (2) of 20 section 4:-

“(2) Where a person to whom this law applies is unable to submit his declaration of assets and liabilities *via* the electronic automated asset declaration system, the appropriate authority shall 25 submit such declaration to such system within two weeks of reciept.”

|  |  |
| --- | --- |
| **5.**  The following new section is hereby inserted immediately after Section 4 of the principal enactment and shall have effect as Section 4A of that enactment:- | Insertion of new Section 4A of the  principal |

enactment

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 5 | 4 | *Declaration of Assets and Liabilities (Amendment)* | | | |
| “Duty to  establish an electronic  automated asset | | | 4A. (1) The Commission to Investigate Allegations of Bribery or Corruption within 18 months of the coming into force of this Act shall establish an electronic automated asset | |
| declaration system | | declartion system, which will enable: | | |
| (*a*) | | | | electronic submission of declarations |

of asssets and liabilities:

|  |  |  |
| --- | --- | --- |
| 10 | (*b*) | submission of ad-hoc declarations |
| of asssets and liabilities in |
| accordance with subsection (4) of |

section 3;

(*c*) routine verification of declarations   
 for timeliness, accuracy and   
 completeness;

|  |  |  |
| --- | --- | --- |
| 15 | (*d*) | verification based on suspicious |
| transactions detected by the |

automated system;

(*e*) verification of complaints received;   
 and

|  |  |  |
| --- | --- | --- |
| 20 | (*f*) | public access to submitted |

declarations of assets and liabilities, subject to redaction of bank account numbers, title deed numbers, central depository system numbers, fixed 25 deposit certificate numbers, bank deposit box numbers or the redaction of any other similar information as may be prescribed by the Minister.”.

30 (2) The filing of a declaration of assets and liabilities with the appropriate authority through the automated asset declaration system established under subsection (1) above,

*Declaration of Assets and Liabilities (Amendment)*  5

shall be deemed to have been submitted to the Commission to Investigate Allegations of Bribery or Corruption in addition to the respective appropriate authority as provided in section 4; and

5 (3) During the interim period, prior to establishing the electronic automated asset declaration system provided for in subsection (1) of section 4A declarations of assets and liabilities shall continue to be filed in the form in terms of subsection (1) of Section 3 of this Act.

|  |  |  |
| --- | --- | --- |
| 10 | **6.** Section 5 of the principal enactment is hereby | Amendment |
| amended as follows:- | of Section 5 |
| of the |
| (1) In subsection (2) by substitution for the words “Bribery | principal |
| enactment |
| 15 | Commissioner” of the words “the Commission to Investigate | (Power to |
| Allegations of Bribery or Corruption”; | refer to |
| declaration |
| (2) Immediately after subsection (2) by the insertion of | of assets and |
| liabilities) |
| the following which shall take effect as subsections (2A) and |

(2B) of ssection 5:-

(2A). The Commission to investigate allegations of Bribery or Corruption shall periodically analyse 20 declarations of assets and liabilities and take such action as provided for by law.

(2B). All declaraions of assets and liabilities submitted in terms of section 3, shall be made public by the appropriate authority, on their respective official 25 website, subject to the redaction of bank account numbers, title deed numbers, central dipository system numbers, fixed deposit certificate numbers, bank deposit box numbers and the redaction of any other such similar information as may be prescribed

|  |  |
| --- | --- |
| 30 | by the Minister, within two weeks of receipt of such declaration. Where an official website is not in |

existence, copies of all declarations of assets and   
liabilities submitted as per section 3, shalll be made

6 *Declaration of Assets and Liabilities (Amendment)*

available, subject to the redactions as provided for   
above, by the approporiate authority free of charge   
on the appropriate authority’s premises, for public   
access.

5 (3) In subsection (3), by the substitution for the words “on payment of a prescribed fee to the appropriate authority, have the right to call for and refer to any declaration of assets and liabilities and on payment of a further fee to be prescribed, shall have the right to obtain a certified copy of 10 such declaration,” of the words “on payment of a fee of two hundred and fifty rupees to the appropriate authority, have the right to obtain a certified copy of any declaration made under section 3 of this Act subject to such redactions as provided for in subsection 2B of this section”.

15 (4) In subsection (3), by the substitution for the word “subsection” of the word “section”; and

(5) In subsection (3), by the substitution for the words“section 4” of the words “section 4 or section 4A”.

|  |  |  |
| --- | --- | --- |
| 20 | **7.** Section 6 of the principal enactment is hereby amended | Amendment |
| of Section 6 |
| by substitution for the words “Bribery Commissioner” of |
| of the |
| the words “the Commission to Investigate Allegations of |
| principal |
| 25 | Bribery or Corruption”. | enactment |
| (Power of |
| Commission |
| to Investigate |
| Allegations |
| of Bribery or |
| **8.** Section 7 of the principal enactment is hereby amended | Corruption to |
| call for |
| additional |
| Information) |
| Amendment |
| as follows:- | of Section 7 |
| of the |
| (1) By the repeal of subsections (4) and (5); and | principal |
| enactment |

(2) In subsection (6), by the substitution for the words“Bribery Commissioner” of the words “the Commission to Investigate Allegations of Bribery or Corruption”.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 5 | *Declaration of Assets and Liabilities (Amendment)* | | 7 | Amendment |
| **9.** Section 8 of the principal enactment is hereby repealed | | |
| and the follwing new section is substituted therefor:- | | | of Section 8 |
| of the |
| “Preservation of secrecy by redaction | 8. (1) Any public servant who has obtained access to a received declaration of assets and liabilities pursuant to subsection (4) of section | | principal |
| enactment |

3, section 4 or section 4A, shall ensure that when such declaration is provided to any other person, such public servant shall have redacted all references to bank account numbers, title 10 deed numbers, central dipository system numbers, fixed deposit certificate numbers, bank deposit box numbers, and any other such information which is required to be redacted as may be prescribed by the Minister:

15 Provided that such public servant shall not be obliged to redact information from copies of declarations being provided to the Commission to Investigate Allegations of Bribery or Corruption, or for the purpose of 20 any criminal investigation to any law enforcement authority.

(2) Any public servant who contravenes the provisions of this section shall be guilty of an offence and shall, upon conviction after trial 25 before a Magistrate, be laible to a fine, not exceeding two hundred thousand rupees or to a term of imprisonment of either description not exceeding two years or to both such fine and imprisonment.

30 In this section “public servant” means any person employed by an appropriate authority to whom that declaration of assets and liabilities has been made under subsection (4) of section 3, section 4 or section 4A.”.

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | 8 | *Declaration of Assets and Liabilities (Amendment)* | Amendment |
| **10.** Section 9 of the principal enactment is hereby | |
| amended as follows:- | | of Section 9 |
| of the |
| (1) In paragraph (*c*) of subsection (1) by the substitution | | principal |
| enactment |
| for the words “Bribery Commissioner” of the words “the | |
| Commission to Investigate Allegations of Bribery or | |

Corruption”;

(2) In subsection (1) by the substitution for the words“one thousand rupees” of the words “five hundred thousand rupees”;

10 (3) Immediately after subsection (1) by the insertion of the following which shall take effect as subsection (1A) of section 9:-

“(1A) For the purposes of any prosecution under paragraph (*bb*) of subsection (1), it shall be 15 presumed, until the contrary is proved by the person, that such undeclared asset or liability was willfully omitted from such declaration.”

(4) In subsection (3) by the substitution for the words “one thousand rupees” of the words “five hundred thousand 20 rupees”;

(5) In subsection (3) by the substitution for the words“fifty rupees” of the words “fifty thousand rupees”; and

(6) In subsection (5) by the substitution for the words “with the prior sanction of the Attorney-General” of the 25 words “by the Commission to Investigate Allegations of Bribery or Corruption or with the prior sanction of the Commission to Investigate Allegations of Bribery or Corruption”.

|  |  |  |
| --- | --- | --- |
| 30 | **11.** Section 9A of the principal enactment is hereby | Amendment |
| amended as follows:- | of Section 9A |
| of the |
| principal |
| enactment |

*Declaration of Assets and Liabilities (Amendment)*  9

(1) In paragraph (*b*), by the substitution for the words“the Attorney-General” of the words “the Commission to Investigate Allegations of Bribery or Corruption”; and

|  |  |
| --- | --- |
| 5 | (2) In paragraph (*g*), by the substitution for the words“the Attorney-General” of the words “the Commission to |

Investigate Allegations of Bribery or Corruption”.

|  |  |
| --- | --- |
| **12.** Section 10A of the principal enactment is hereby repealed. | Repeal of  Section 10A of the |

principal   
enactment

|  |  |  |
| --- | --- | --- |
| 10 | **13.** Section 11 of the principal enactment is hereby | Replacement |
| amended, by the substitution for the words “the provisions | of Section 11 |
| of the |
| of this Law shall prevail” of the words “with the exception |
| principal |
| of the Right to Information Act, No.12 of 2016, the provisions |
| enactment |
| of this Law shall prevail”. | (This Law to |
| prevail over |

other laws,   
save the   
Right to   
Information   
Act, No. 12   
of 2016)

|  |  |  |
| --- | --- | --- |
| 15 | **14.** Section 12 of the principal enactment is hereby | Amendment |
| amended as follows:- | of Section 12 |
| of the |
| (1) In the definition of “Assets and Liabilities” by the | principal |
| enactment |

substitution for the words “in whole or in part” of the words“in whole or in part or held by the declarant in bank accounts or in any form”;

20 (2) In the definition of “Local Authority”, by the omission of the words “or development councils”.

|  |  |  |
| --- | --- | --- |
| **15.** | In the event of any inconsistency between the | Sinhala text  to prevail in case of  inconsistency |
| Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. | |

10 *Declaration of Assets and Liabilities (Amendment)*

Department of Government Printing