

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

*————————*

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

**A**

**BILL**

**to provide for the uniform application of the law relating to the contempt of a court, tribunal or institution; to provide for the procedure in punishing the contempt of a court, tribunal or institution; and to provide for matters connected therewith or incidental thereto**

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*Presented by the Minister of Justice, Prison Affairs and Constitutional Reforms on 18th of July, 2023*

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| **[Bill No. 188]** | *————————* |

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

L.D.- O. 55/2021

AN ACTTOPROVIDEFORTHEUNIFORMAPPLICATIONOFTHELAWRELATING TOTHECONTEMPTOFACOURT, TRIBUNALORINSTITUTION; TOPROVIDE FORTHEPROCEDUREINPUNISHINGTHECONTEMPTOFACOURT, TRIBUNALORINSTITUTION; ANDTOPROVIDEFORMATTERSCONNECTED THEREWITHORINCIDENTALTHERETO.

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

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| 5 | **1.** This Act may be cited as the Contempt of a Court, | Short title |
| Tribunal or Institution Act, No. of 2023. | Objectsof |
| **2.** The objects of this Act shall be to:- |
| 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;

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| 10 | (*d*) preserve and maintain the effectiveness and impartiality of a court, tribunal and institution; |

(*e*) safeguard public order, public health and morals;

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| 15 | (*f*) strike a balance between the right of expression, fair comment and compliance with judicial directives; |

(*g*) set out with precision the ambit of contempt of a   
 court, tribunal and institution; and

(*h*) ensure the observance of, and respect for, the   
 due process of law.

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| 5 | 2 | *Contempt of a Court,Tribunal or Institution* | Certain acts  deemed to be contempt of a court,  tribunal or  institution |
| **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- | |
| (*a*) bring the authority of a court, tribunal and institution | |
| and administration of justice intodisrespect or | |
| disregard; or | |

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

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| 10 | 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: -

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| 15 | (*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;

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| 20  25 | (*c*) expressing, pronouncing or publishing any matter that is not substantially true which, or doing any other act which- | |
| (i) | scandalizes or lowers the judicial authority |
| or dignity of a court, tribunal or institution; | |
| (ii) | prejudices, or interferes with, the due course |
| of any judicial proceeding; or | |
| (iii) | interferes with, or obstructs the administration |
| of justice; | |

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| 5  10  15  20  25  30 | *Contempt of a Court,Tribunal or Institution* | | | 3 |
| (*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; or  (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 | | | |
| (*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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| 5 | 4 | *Contempt of a Court,Tribunal or Institution* | Defences  against  contempt of a court,  tribunal or  institution |
| **4.** (1) Any publication or expression of true facts made in good faith of a proceeding, judgment or order of a court, tribunal or institution 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 proceeding, judgement or order is merely incidental. | |

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

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| 10 | (*a*) | | of true and 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 | Power of the |
| 15 | (*b*) | | of fair comments on merits of any 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 | | |
| 20 | *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. | | |
| 25 | **5.** (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. | | |
| Supreme |
| Court and the |
| Court of |
| 30 | (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- | | | Appeal to |
| punish |
| contempt of |
| a court, |
| tribunal or |
| (*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 | | institution |
| with the procedure set out in section 7; and | | |

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| 5 | (*b*) | *Contempt of a Court,Tribunal or Institution* | 5 |
| 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 8. | |

(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:

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| 10 | Provided however, the provisions of this section shall | Power ofthe |
| 15 | 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 |
| 20 | 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 9. |
| **6.** (1)Notwithstanding the provisions of any other written |
| law, the Courts of First Instance shall have the power to | Courts of |
| First Instance |
| punish for contempt of court committed in its presence or |
| to punish |
| 25 | hearing or in the course of proceedings in such Courts of | contempt of |
| court |
| 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 |
| 30 | 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 10. |

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| 5 | 6 | *Contempt of a Court,Tribunal or Institution* | Procedure  where  contempt of court is in  the face of  the Supreme Court or the Court of  Appeal |
| **7**. (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; |
| 10 | (*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, 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. |
| 15 |
| (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. | |
| 20 | (3) The Supreme Court or the Court of Appeal, as the case | |
| may be, shall, after hearing the person charged with contempt | |
| of court and taking such evidence as may be necessary or as | |
| 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 the person charged. | |

(4)Notwithstanding anything contained in the preceding provisions of this section, where-

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| 25 | **(***a*) | a person charged with contempt of court under |
| subsection (1) applies, whether orally or in writing, |
| 30 | 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; and |

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| 5  10  15  20  25 | *Contempt of a Court,Tribunal or Institution* | | 7 |
| (*b*) | the Court is of opinion that it is practicable to do so | |
| and that in the interests of proper administrationof justice the application should be allowed,  it shall cause the matter to be placed, together with a statement of the facts of the case, before the Chief Justice for such directions as the Chief Justice 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 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 presence or hearing the contempt of courtis alleged to have been committed, in pursuance of a direction issued under subsection (4). | | |

**(**7) Pending the determination of a charge under this section, theSupreme court or the Court of Appeal, as the case may be, may-

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| 30 | (*a*) | direct that the person charged with contempt of |
| court under this section be detained in such custody |
| as such court may specify; or |

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| 5 | 8 | *Contempt of a Court,Tribunal or Institution* | Procedure |
| (*b*) | release him on bail subject to such conditions as |
| **s**uch Court may deem fit to impose**.** | |
| **8**. (1) The Supreme Court or the Court of Appeal, as the | |
| where |
| case may be, may take cognizance of contempt of court | |
| contempt of |
| committed against it, or in disrespect of its authority, other | |
| court is not |
| 10 | than contempt of court committed in its presence or hearing, | | in the face of |
| the Supreme |
| on- | |
| Court or the |
| Court of |
| (*a*) | its own motion; |
| Appeal |
| (*b*) | a motion filed by the Attorney-General; or |
| (*c*) | a motion filed by any other person. |

(2)Every motionfiled 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.

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| 15  20  25 | (3)The Supreme Court or the Court of Appeal, as the case may be, shall, after pursuing the motion 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- | |
| (*a*) | cause a rule to be issued on such person, giving |
| particulars in writing of the contempt of court with which he ischarged; | |
| (*b*) | direct that such rule, together with a copy of the |
| motion filed under subsection (1), be served personally on such person; and | |
| (*c*) | fix a date for the hearing of the charge. |

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| 5  10 | *Contempt of a Court,Tribunal or Institution* | 9 |
| (4) 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.  (5) 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. | |

(6) 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-

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| 15 | (*a*) | the person charged with contempt of court under | Procedure  for the  exercise of  jurisdiction  of the Court of Appeal in respect of  contempt  committed  against a  Court of First Instance,  tribunal or  institution |
| this section be detained in such custody as it may | |
| 20 | specify; or | |
| (*b*) | such person be released on bail subject to such |
| conditions as it may deem fit to impose. | |
| **9.** (1) The Court of Appeal may take cognizance of | |
| contempt committed against, or in disrespect of the authority | |
| 25 | of, a Court of First Instance or tribunal or an institution on- | |
| (*a*) | a reference made to it by such Court of First Instance |
| tribunal or institution; | |
| (*b*) | a motion filed by the Attorney-General; or |
| (*c*) | a motion filed by any other person. |

(2) Every reference made or motion filed under subsection (1) shall set out the particulars of the contempt of the court,

10 *Contempt of a Court,Tribunal or Institution*

tribunal or institution as the case may be**,** alleged to have been committed by the person alleged to have committed such contempt**.**

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| 5  10  15  20  25 | (3) The Court of Appeal shall, after perusing the reference made or the motion 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, giving |
| particulars in writing of the contempt of court, tribunal or institution, with which he is charged; | |
| (*b*) | direct that such rule**,** together with a copy of the reference or motion 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 person charged with contempt of a court, tribunal or institutionshall 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.  (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-

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| 30 | (*a*) | the person charged with contempt of a court, |
| tribunal or institutionunder this section be |
| detained in such custody as it may specify; or |

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| 5 | *Contempt of a Court,Tribunal or Institution* | | 11 | Procedure  for the  exercise of  jurisdiction  conferred on the Courts of First Instance to try  contempt of court |
| (*b*) | such person be released on bail subject to such | |
| conditions as it may deem fit to impose. | | |
| **10.** (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 Civil | | |
| Procedure Code. | | |
| 10 | (2) Where the Judge ofa Court of First Instancereferred | | | Punishment |
| to in subsection (1) acts under section 795 of the Civil | | |
| Procedure Code, **s**uch Judge shall inquire from the accused | | |
| 15 | whether he wishes to be tried by a judge other than the | | |
| Judge in whose presence or hearing the contempt ofcourt 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 | | |
| 20 |
| (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 | | |
| 25 |
| to issue with regard to the hearing of the charge. | | |
| **11.** (1) Where a person is found guilty of the contempt of | | |
| court referred to in subsection (1) of section 5, such person | | | for contempt |
| of a court, |
| shall be liable to a fine not exceeding rupees five hundred | | |
| tribunal or |
| 30 | thousand or to simple imprisonment for a period not | | |
| institution |
| exceeding one year or to both such fine and imprisonment, | | |
| and on a second or subsequent conviction, such person shall | | |
| be liable to a fine not exceeding rupees one million or to | | |
| simple imprisonment for a period not exceeding two years, | | |
| or to both such fine and imprisonment. | | |

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| 5  10  15  20  25  30 | 12 | *Contempt of a Court,Tribunal or Institution* |
| (2) Where a person is found guilty of the contempt of court referred to in subsection (1) of section 6, such person shall be liable to a fine not exceeding rupees three hundred thousand or to simple imprisonment for a period not exceeding six months or to both such fine and imprisonment, and on a second or subsequent conviction, such person shall be liable to a fine not exceeding rupees five hundred thousand or to simple imprisonment for a period not exceeding one year, or to both such fine and imprisonment.  (3) Where a person is found guilty of contempt of a tribunal or institution under this Act, such person shall be liable to a fine not exceeding rupees one hundred thousand or to simple imprisonment for a period not exceeding three months or to both such fine and imprisonment, and on a second or subsequent conviction, such person shall be liable to a fine not exceeding rupees three hundred thousand or to simple imprisonment for a period not exceeding six months, or to both such fine and imprisonment.  (4) Notwithstanding the provisions of subsection (1), (2) or (3), a person accused of contempt of a court, tribunal or institution under this Act may be discharged, or the punishment imposed on him may be remitted on an apology being made to the satisfaction of the court, tribunal or institution.  Explanation - An apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it *bona fide*.  (5) Nothing in this Act shall limit the power of a court to hear and determine contempt of a court, tribunal or institution provided for in any other written law, either under the provisions of this Act or such other law: | |

*Contempt of a Court,Tribunal or Institution*  13

Provided however, notwithstanding anything to the contrary in such other law, a court shall not impose a sentence in excess of the sentence specified in this section for contempt of a court, tribunal or institution.

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| 5 | **12.** (1) An appeal shall lie as of right from any order or decision of the Court of Appeal in the exercise of its | | Appeals |
| 10 | jurisdiction to punish for contempt of a Court of First | |
| Instance**,** tribunal or institution, as the case may be– | |
| (*a*) | where the order or decision is that of a single judge, |
| to a Bench of not less than two judges of the Court | |
| of Appeal; | |
| (*b*) | where the order or decision is that of a Bench of the |
| 15 | Court of Appeal, to the Supreme Court. | |
| (2) The Supreme Court or the Court of Appeal may, | |
| pending any appeal, order that– | |
| (*a*) | the execution of the punishment, or the order or |
| decisionappealed against be suspended; | |
| 20 | (*b*) | the appellant, if heis in confinement, be released |
| on bail; or | |
| (*c*) | the appeal be heard notwithstanding that the |
| appellant has not purged his contempt. | |
| 25 | (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– | |

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

14 *Contempt of a Court,Tribunal or Institution*

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

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| 5 | **13.** (1) A court shall not initiate any proceedings in | Period of  limitation for proceedings for contempt of a court,  tribunal or  institution |
| 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 the contempt is alleged |
| to have been committed. |
| 10 | (2) A tribunal or institution shall not refer to the Court of | Contempt of a court,  tribunal or  institution by a body of  persons |
| 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 the contempt is alleged to have been |
| committed. |
| **14.** Where contempt of a court, tribunal or institution |
| 15 | under this Actis committed by a body of persons, then- |
| (*a*) if that body of persons is a body corporate, every |
| director, manager or secretary of that body corporate |
| 20 | 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,

25 shall be deemed to have committed that contempt:

Provided however, any director, manager or secretary of such body corporate or any partner of such firm or any individual in such unincorporated body shall not be deemed to have committed such contempt if he proves to the

*Contempt of a Court,Tribunal or Institution*  15

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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| 5 | **15.**  The provisions of this Act shall have effect | This Act to prevail over other law |
| 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.

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| 10 | **16.** In this Act, unless the context otherwise requires – | Interpretation |
| “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

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| 15 | District Court, the Family Court, the Small Claims Court, the Magistrate’s Court orthe Primary Court; |

“institution” means, an institution created and established for the administration of justice and for the

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| 20 | 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 of

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| 25 | 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

16 *Contempt of a Court,Tribunal or Institution*

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

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| 5 | **17.** In the event of any inconsistency between the Sinhala | Sinhala text |
| and Tamil texts of this Act, the Sinhala text shall prevail. | to prevail in |
| case of |
| inconsistency |

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| *Contempt of a Court,Tribunal or Institution* | 17 |

Department of Government Printing