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

**Part II of June 28, 2024**

**SUPPLEMENT**

(*Issued on 04.07.2024*)



**PENAL CODE (AMENDMENT)**

**A**

**BILL**

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

*Ordered to be published by the Minister of Justice, Prison Affairs and Constitutional Reforms*

PRINTEDATTHEDEPARTMENTOFGOVERNMENTPRINTING, SRILANKA

TOBEPURCHASEDATTHEGOVERNMENTPUBLICATIONSBUREAU, COLOMBO5

**Price : Rs. 12.00 Postage : Rs. 150.00**

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

2-2d

*STATEMENT OF LEGAL EFFECT*

*Clause 2* : This clause amends section 345 of the Penal Code (Chapter 19) and the legal effect of the amendment is to–

(*a*) extend the application of that section to a sexual harassment caused by means of any communication;

(*b*) define the series of activities by which the sexual harassment may cause by using words or actions; and

(*c*) define the expression “communication”.

|  |  |
| --- | --- |
| *Penal Code (Amendment)* | 1 |

L.D.—O 55/2022

AN ACTTOAMENDTHE PENAL CODE ( CHAPTER 19 )

BEit enacted by theParliament of theDemocratic Socialist Republic of Sri Lanka as follows: -

**1.** This Act may be cited as the Penal Code (Amendment) Short title Act, No of 2024.

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | **2.** Section 345 of thePenal Code (Chapter 19) is hereby | | Replacement |
| of section |
| repealed and the following section is substituted therefor:- | |
| 345 of |
| “Sexual | 345. (1) Whoever, by assault or use of | Chapter 19 |
| harassment | criminal force, or by the use of words or actions |

or by means of any communication, causes 10 sexual annoyance or harassment to another person commits the offence of sexual harassment and shall on conviction be punished with imprisonment of either description for a term which may extend to

|  |  |
| --- | --- |
| 15 | five years or with fine or with both and may also be ordered to pay compensation of an |

amount determined by court to the person in   
respect of whom the offence was committed   
for the injuries caused to such person.

20 (2) The “use of words or actions” referred to in subsection (1) which amount to sexual harassment includes –

|  |  |  |
| --- | --- | --- |
| 25 | (*a*) | making any sound or gesture; |
| (*b*) | exhibiting any object; |
| (*c*) | disrobing or compelling such |

person to be naked;

2 *Penal Code (Amendment)*

(*d*) physical contact and advances   
 involving unwelcome and   
 explicit sexual overtures;

|  |  |  |
| --- | --- | --- |
| 5 | (*e*) | demanding or requesting for |
| (*f*) | sexual favours; |
| showing pornography against |

the will of such person;

(*g*) making sexually coloured   
 remarks; or

|  |  |  |
| --- | --- | --- |
| 10 | (*h*) | exposing genitals with the |

intention of causing alarm or   
distress.

(3) The “communication” referred to in subsection (1) which amount to sexual 15 harassment includes transmitting, distributing, sharing, generating, propagating or publishing any sexually explicit message, remark, image, audio or video through electronic means or internet.

20 (4) For the purposes of this section, an assault may include any act that does not amount to rape under section 363 or grave sexual abuse under section 365B.

*Explanation –* “injuries” includes

|  |  |  |  |
| --- | --- | --- | --- |
| 25 | psychological | or | mental |

trauma.”.

|  |  |
| --- | --- |
| **3.** 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

|  |  |
| --- | --- |
| *Penal Code (Amendment)* | 3 |

Department of Government Printing