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

*————————*

**ONLINE SAFETY (AMENDMENT)**

**A**

**BILL**

**to amend the Online Safety Act, No. 9 of 2024**

*————————*

*Presented by the Minister of Public Security on 08th of August, 2024*

(Published in the Gazette on July 31, 2024)

*Ordered by Parliament to be printed*

*————————*

**[Bill No. 281]**

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*STATEMENT OF LEGAL EFFECT*

*Clause 2* : This clause amends section 2 of the Online Safety Act, No. 9 of 2024 (hereinafter referred to as the “principal enactment”) and the legal effect of thesection as amended is to make provisions to extend the application of the provisions of the principal enactment to any person who commits an offence under the Act within Sri Lanka and to any person who is subject to an offence so committed.

*Clause 3* : This clause amends section 7 of the principal enactment and the legal effect of the section as amended is to make provisions to subject the power of the President to suspend a member of the Online Safety Commission, during a hearing for removal of such member, to the prior approval of the Constitutional Council.

*Clause 4* : This clause amends section 9 of the principal enactment and the legal effect ofthe section as amended is to provide for the requirement to inform reasons in writing, where the Chairman of the Online Safety Commission refuses to call a meeting of the Commission upon a request of a member.

*Clause 5* : This clause amends section 11 of the principal enactment and the legal effect of the section as amended is to –

(*a*) remove the power of the Online Safety Commission to issue notices to internet service providers and internet intermediaries to disable access to an online location; and

(*b*) make consequential amendments to the amendment made by clause 6 to the principal enactment.

*Clause 6* : This clause amends section 13 of the principal enactment and the legal effect of the section as amended is to make provisions to subject the application of the provisions of that section to the relevant provisions of the Judicature Act, No. 2 of 1978.

*Clause 7* : This clause repeals section 16 of the principal enactment.

*Clause 8* : This clause amends section 18 of the principal enactment and the legal effect of the section as amended is to make necessary amendments to that section to define the offence of “committing offences under this Act by personation”.

*Clause 9* : This clause repeals section 19 of the principal enactment.

*Clause 10* : This clause replaces section 20 of the principal enactment and the legal effect of the section as amended is to -

(*a*) extend the application of the provisions of that section in respect of statements communicated, intending to harass a target person by publishing any private communication of such person; and

(*b*) remove the punishment relating to second or subsequent conviction.

*Clause 11* : This clause amends section 21 of the principal enactment and the legal effect of the section as amended is to extend the application of the provisions of that section to online publishing of photographs, audio or video of abusive or pornographic nature relating to a person, without expressed consent of such person.

*Clause 12* : This clause amends section 23 of the principal enactment and the legal effect of the section as amended is to delete the words “or internet service provider or internet intermediary on whose online location such prohibited statement has been communicated.”.

*Clause 13* : This clause amends section 24 of the principal enactment and the legal effect of the section as amended is to delete the words “or internet service provider or internet intermediary on whose online location such prohibited statement has been communicated.”.

*Clause 14* : This clause amends section 26 of the principal enactment and the legal effect of the section as amended is to delete the words “the inauthentic online account”.

*Clause 15* : This clause amends section 27 of the principal enactment and the legal effect of the section as amended is to widen the scope of the category of persons in respect of whom the exemption of liability are granted under subsection (3) of that section.

*Clause 16* : This clause amends section 29 of the principal enactment and the legal effect of the section as amended is to -

(*a*) remove the provisions which enables the court to impose penalties on persons who fails to comply with the provisions of subsection (1), (2) or (3) of that section;

(*b*) impose a duty on internet service providers or internet intermediaries to take reasonably practicable steps to comply with the directions issued by the Online Safety Commission; and

(*c*) exempt the civil or criminal liability of internet service providers and internet intermediaries in respect of any act done or omitted to be done with reasonable care and in good faith complying with the directions of the Commission.

*Clause 17*: This clause amends section 30 of the principal enactment and the legal effect of the section as amended is to remove the punishment relating to second or subsequent conviction under that section.

*Clause 18* : This clause amends section 31 of the principal enactment and the legal effect of the section as amended is to remove the punishment relating to second or subsequent conviction under that section.

*Clause 19* : This clause amends section 32 of the principal enactment and the legal effect of the section as amended is to enable an authorized representative of an internet intermediary to appear before the Magistrate on behalf of such internet intermediary.

*Clause 20* : This clause amends section 33 of the principal enactment and the legal effect of the section as amended is to introduce provisions to enhance clarity of the provisions relating to investigations and to maintain confidentiality of information received during such investigations.

*Clause 21* : This clause amends section 39 of the principal enactment and the legal effect of the section as amended is to extend the application of the provisions of that section to the offences committed outside Sri Lanka.

*Clause 22* : This clause replaces section 49 of the principal enactment and the legal effect of the amendment is to enable the Online Safety Commission to issue codes of practice applicable to internet service providers and internet intermediaries.

*Clause 23* : This clause amends section 52 of the principal enactment and the legal effect of the section as amended is-

(*a*) to exclude a metaphor made in good faith from the scope of the definition of the expression “false statement”; and

(*b*) to enhance the clarity of the definition of the expression “inauthentic online account”.

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| *Online Safety (Amendment)* | 1 |

L.D - O.13/2024

AN ACTTOAMENDTHE ONLINE SAFETY

ACT, NO. 9 OF 2024

BE it enacted by the Parliament of the Democratic Socialist

Republic of Sri Lanka as follows: -

**1.** This Act may be cited as the Online Safety Short title

(Amendment) Act, No. of 2024.

|  |  |  |
| --- | --- | --- |
| 5 | **2.** Section 2 of the Online Safety Act, No. 9 of 2024 | Amendment |
| (hereinafter referred to as the “principal enactment”) is hereby | of section 2 |
| of Act, No. 9 |
| amended by the repeal of paragraph (*c*) of that section and | of 2024 |

the substitution therefore of the following paragraph: -

|  |  |  |  |
| --- | --- | --- | --- |
| 10 | “(*c*) | a person commits an offence under this Act | Amendment |
| within Sri Lanka, in respect of any person.”. | |
| **3.** Section 7 of the principal enactment is hereby amended | |
| 15 | in subsection (5) of that section, by the substitution for the | | of section 7 |
| of the |
| words “the President prior”, of the words “the President, | |
| principal |
| subject to the approval of the Constitutional Council, prior”. | | enactment |
| **4.** Section 9 of the principal enactment is hereby | | Amendment |
| 20 | amended, in subsection (1) of that section, by the substitution | | of section 9 |
| of the |
| for the words “good reason, refuse” of the words “good reason | |
| principal |
| informed to such member in writing, refuse”. | | enactment |
| **5.** Section 11 of the principal enactment is hereby | | Amendment |
| amended as follows: - | | of section 11 |
| of the |

principal

enactment

|  |  |  |
| --- | --- | --- |
| 2 | (1) | *Online Safety (Amendment)* |
| by the repeal of paragraph (*c*) of that section; |
| (2) | in paragraph (*d*) of that section, by the substitution |

for the words and figures “as provided for in

paragraph (3) of Article 105 of the Constitution or

5 any other written law”, of the words and figures “as

provided for in section 13,”; and

(3) in paragraph *(i)* of that section, by the substitution   
for the words “in Sri Lanka;”, of the words “in Sri   
Lanka, as provided for in this Act;”.

|  |  |  |  |
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| 10 | **6.** Section 13 of the principal enactment is hereby | | Amendment |
| amended as follows: - | | of section 13 |
| of the |
| (1) | by the renumbering of that section as subsection | principal |
| enactment |

(1) of that section;

|  |  |  |
| --- | --- | --- |
| 15 | (2) | in the renumbered subsection (1) of that section, |
| by the substitution for the words “Any person,” |

and “relevant written law,”, of the words “Subject   
to the provisions of subsection (3) of section 49 of   
the Judicature Act, No. 2 of 1978, any person,” and  
“relevant written law on the offence of contempt of

|  |  |  |
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| 20 | (3) | court,”, respectively; and |
| by the addition immediately after the renumbered |

subsection (1) of that section, of the following new   
subsection: -

“(2) The jurisdiction to hear, try and 25 determine the offence of contempt of court under subsection (1) shall be vested with the appropriate court in terms of paragraph (3) of Article 105 of the Constitution or section 55

*Online Safety (Amendment)* 3

of the Judicature Act, No. 2 of 1978or any other   
written law on the offence of contempt of   
court.”.

|  |  |  |
| --- | --- | --- |
| 5 | **7.** Section 16 of the principal enactment is hereby | Repeal of |
| repealed. | section 16 of |
| the principal |

enactment

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 10 | **8**. Section 18 of the principal enactment is hereby | | | Amendment |
| amended as follows: - | | | of section 18 |
| of the |
| (1) | by the substitution- | | principal |
| enactment |
| (*a*) | | for the words “cheats by -”, of the words |
| “commits any offence under this Act by -”; | | |
| (*b*) | | for the words “commits the offence of “online |

cheating by personation””, of the words  
“commits an offence under this Act by   
personation”; and

|  |  |  |
| --- | --- | --- |
| 15 | (*c*) | for the words “and fine.”, of the words “and |
| fine, in addition to any other liability imposed |

on such person under this Act.”; and

(2) by the repeal of the marginal note to that section and substitution therefor of the following marginal 20 note:-

“Committing offences   
under this Act by   
personation”.

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| --- | --- | --- |
| 25 | **9.** Section 19 of the principal enactment is hereby | Repeal of |
| repealed. | section 19 of |
| the principal |

enactment

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 5 | 4 | *Online Safety (Amendment)* | | Replacement |
| **10.** Section 20 of the principal enactment is hereby | | |
| repealed and the following section is substituted therefor: - | | | of section 20 |
| of the |
| “Communicating | | **20.** (1) Any person, whether in or outside | principal |
| enactment |
| statements to cause  harassment & | Sri Lanka who wilfully makes or communicates a statement, with intention to | |
| c. | cause harassment to another person (in this | |

section referred to as the “target person”), by publishing any private information or any kind of private communication of the target person 10 or a related person of the target person, and as a result causes the target person or any other person harassment, commits an offence and shall on conviction be liable to imprisonment for a term not exceeding five years or to a fine 15 not exceeding five hundred thousand rupees.

(2) For the purpose of this section-

(*a*) “harassment” means an act or behaviour which has the effect of threatening, alarming or 20 distressing a person or violating a person’s dignity or creating an intimidating, degrading, hostile,

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| --- | --- | --- |
| humiliating | or | offensive |

environment or, which has all

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| --- | --- | --- |
| 25 | (*b*) | such effects; |
| “private communication” means |

any communication including communication via telephone or any other oral communication, 30 communication through any social media platform or any communication through any

*Online Safety (Amendment)* 5

digital media platform that any person may reasonably expect to remain private, but does not include any information that may 5 be evidence of the commission of any other offence; and

(*c*) “private information” means personal information, including any image, audio or video details, 10 that any person may reasonably expect to remain private, but does not include any information that may be evidence of the commission of any other offence.

15 *Illustrations-*

(*a*) X and Y were formerly in a relationship which has since ended. X writes a post on a social media platform including Y’s photographs and personal mobile number, intending to 20 cause harassment to Y by facilitating the identification or enabling others to contact Y.

Y did not see the post, but receives and is harassed by telephone calls and short messages via short message service from strangers (who 25 have read the post) propositioning Y for sex.

X is guilty of an offence under this section in   
relation to such post.

(*b*) X and Y were formerly in a relationship which has since ended. X posts a photograph of Y in 30 the possession of X which a reasonable person would expect itto remain private. X is guilty of an offence under this section in relation to such post.”.

|  |  |  |
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| 6 | *Online Safety (Amendment)* | Amendment of section 21 of the  principal  enactment |
| **11.** Section 21 of the principal enactment is hereby amended by the insertion immediately after section (2) of that section, of the following new subsection: - | |

“(2A) Any person, whether in or outside Sri 5 Lanka, who, by way of an online account or through an online location, publishes any photograph, audio or video of abusive or pornographic nature relating to a person without expressed consent of such person, 10   
commits an offence and shall on conviction be liable to imprisonment for a term not less than two years and not exceeding ten years or to a fine not exceeding one million rupees, or to both such imprisonment and fine.”.

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| 15 | **12.** Section 23 of the principal enactment is hereby | Amendment |
| amended as follows: - | of section 23 |
| of the |

principal

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| (1) | in paragraph (*d*) of subsection (6) of that section, | enactment |

by the substitution for the words “social media account, or internet service provider or internet 20 intermediary on whose online location such prohibited statement has been communicated.”, of the words “social media account.”; and

(2) in subsection (7) of that section, by the substitution for the words “communicated-”, of the words 25 “communicated, requesting –”.

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| 5 | *Online Safety (Amendment)* | 7 | Amendment |
| **13.** Section 24 of the principal enactment is hereby | |
| amended, in paragraph (*b*) of subsection (4) of that section, | | of section 24 |
| of the |
| by the substitution for the words “social media account, or | |
| principal |
| internet service provider or internet intermediary on whose | | enactment |
| online location such prohibited statement has been | |

communicated.”, of the words “social media account.”.

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| 10 | **14.** Section 26 of the principal enactment is hereby | | Amendment |
| amended in section (1) of that section, by the substitution | | of section 26 |
| of the |
| for the words “the inauthentic online account”, of the words | |
| principal |
| “any online account”. | | enactment |
| Amendment |
| **15.** Section 27 of the principal enactment is hereby | |
| amended as follows: - | | of section 27 |
| of the |
| (1) | in subsection (1) of that section, by the substitution | principal |
| enactment |

for the words “Subject to the provisions of any other 15 written law and the provisions of subsection (2), a person”, of the word “Any person”;

(2) in subsection (2) of that section, by the substitution   
 for the words “the internet service provider”, of the   
 word “service provider”; and

|  |  |  |  |
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| 20 | (3) | in subsection (3) of that section – | |
| (*a*) | by the substitution, in paragraph (*b*) of that |

subsection, for the word “communication;”,   
of the words “communication; or”;

|  |  |  |
| --- | --- | --- |
| 25 | (*b*) | by the substitution, in paragraph (*c*) of that |
| subsection, for the words “communication; |

or”, of the word “communication.”; and

(*c*) by the repeal of paragraph (*d*) of that   
 subsection.

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| 8 | *Online Safety (Amendment)* | Amendment of section 29 of the  principal |
| **16.** Section 29 of the principal enactment is hereby amended, by the repeal of subsection (6) of that section and the substitution therefore of the following subsections: - | |

enactment

“(6) An internet service provider or an 5 internet intermediary has the duty to take all reasonably practicable steps to comply with the directions issued by the Commissionin relation to a declared online location under this Act.

10 (7) An internet service provider or internet intermediary or an officer, employee or agent of such internet service provider or internet intermediary shall not be liable in civil or criminal proceedings for any act done or 15 omitted to be done with reasonable care and in good faith in complying with any direction given by the Commission or for taking any steps that might have to take in relation to a declared online location under this Act.”.

|  |  |  |
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| 20 | **17.** Section 30 of the principal enactment is hereby | Amendment |
| of section 30 |
| amended, by the substitution for the words “five million |
| of the |
| rupees and in the event of a second or subsequent conviction, |
| principal |
| such term of imprisonment or fine or both such imprisonment | enactment |

and fine may be doubled.”, of the words “five million

|  |  |  |
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| 25 | rupees.”. | Amendment |
| **18.** Section 31 of the principal enactment is hereby |
| 30 | amended, by the substitution for the words “five million | of section 31 |
| of the |
| rupees and in the event of a second or subsequent conviction, |
| principal |
| such term of imprisonment or fine or both such imprisonment | enactment |
| and fine may be doubled.”, of the words “five million |

rupees.”.

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| 5 | *Online Safety (Amendment)* | 9 | Amendment |
| **19.** Section 32 of the principal enactment is hereby | |
| amended, in subsection (8) of that section, by the substitution | | of section 32 |
| of the |
| for the words “it shall appear before the Magistrate making | |
| principal |
| that order,”, of the words “such internet intermediary shall | | enactment |
| appear before the Magistrate making that order or duly | |

authorize a representative to appear before the Magistrate making that order on behalf of such intermediary,”.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 10 | **20.** Section 33 of the principal enactment is hereby | | | Amendment |
| amended as follows: - | | | of section 33 |
| of the |
| (1) | in subsection (4) of that section - | | principal |
| enactment |
| (*a*) | | by the substitution for the words “power to–”, |

of the words “power to do the following under the authority of a search warrant issued in that behalf by a Magistrate on application made 15 for such purpose by a police officer not below the rank of sub-inspector, to -”;

(*b*) by the substitution, in paragraph (*a*) of that   
 subsection, for the words “sub-inspector;”, of   
 the words “sub-inspector; and”;

|  |  |  |
| --- | --- | --- |
| 20 | (*c*) | by the substitution, in paragraph (*b*) of that |

subsection, for the words “other thing;”, of   
the words “other thing.”; and

(*d)*  by the repeal of paragraphs (*c*), (*d*) and (*e*) of   
 that subsection;

|  |  |  |
| --- | --- | --- |
| 25 | (2) | by the insertion immediately after subsection (4) of |

that section, of the following new subsection: -

“(4A) For the purpose of an investigation   
under this Act, an expert who has been called

10 *Online Safety (Amendment)*

upon to assist the police may, with the authority   
granted by a police officer not below the rank   
of sub-inspector –

|  |  |  |
| --- | --- | --- |
| 5 | (*a*) | require any person to produce any |
| document, information, device or other |

thing as is necessary for the purpose of   
such investigation;

(*b*) require any person to disclose any   
traffic data;

|  |  |  |
| --- | --- | --- |
| 10 | (*c*) | examine any person orally; and |
| (*d*) | do such other things as may be |

reasonably required, for the purposes   
of this Act.”; and

|  |  |  |
| --- | --- | --- |
| 15 | (3) | by the addition immediately after subsection (6) of |
| that section of the following new subsections: - |

“(7) Every person engaged in an investigation under this Act shall maintain strict confidentiality with regard to all information as may come to his knowledge in 20 the course of such investigation and he shall not disclose to any person or utilize for any purpose whatsoever any information, that has come to his knowledge other than to the extent that is required for the discharge of his duties

25 under this Act.

(8) Any internet service provider, internet   
intermediary or any other person who is liable   
to disclose any data or any other information   
shall have no civil or criminal liability for the

*Online Safety (Amendment)*  11

disclosure of any such data or other information   
for the purpose of any investigation under this   
Act.

(9) Any person who contravenes the 5 provisions of subsection (7) commits an offence and shall on conviction be liable to imprisonment of either description for a term not exceeding two years, or to a fine not exceeding three hundred thousand rupees or

|  |  |  |
| --- | --- | --- |
| 10 | to both such imprisonment and fine.”. | Amendment |
| **21.** Section 39 of the principal enactment is hereby |
| of section 39 |
| amended as follows: - |
| of the |

principal

|  |  |  |
| --- | --- | --- |
| (1) | in subsection (1) of that section, by the substitution | enactment |

for the words “Act shall”, of the words “Act, other 15 than any offence committed under section 13, shall”; and

(2) by the addition immediately after subsection (2), of   
 the following new subsection: -

“(3) For the purposes of the application of 20 the provisions of this Act in relation to any offence committed outside the territory of Sri Lanka, such offence shall be deemed to have been committed in Sri Lanka.”.

|  |  |  |
| --- | --- | --- |
| 25 | **22.** Section 49of the principal enactment is hereby | Replacement |
| repealed and the following section is substituted therefor: - | of section 49 |
| of the |

principal   
enactment

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | 12 | *Online Safety (Amendment)* | |
| “Commission | **49.** (1) The Commission shall, by way of | |
| to make |
| rules, issue codes of practice applicable to | |
| codes of |
| practices by | internet service providers and internet | |
| way of rules | intermediaries, formulated under subsection | |
| (2) or (3), in relation to the following matters:- | |
| (*a*) | to address harmful online content and |

behaviour including hate speech,

|  |  |  |
| --- | --- | --- |
| incitement | to | violence, |

misinformation, disinformation, 10 cyberbullying and harassment and online sexual exploitation and abuse;

(*b*) to detect, control and safeguard against   
coordinated inauthentic behaviour and   
any other misuse of online accounts;

|  |  |  |
| --- | --- | --- |
| 15 | (*c*) | to set operating standards and |

transparency reporting of proactive   
action taken to limit harmful content;

(*d*) to prescribe the types of internet   
intermediaries;

|  |  |  |
| --- | --- | --- |
| 20 | (*e*) | to prescribe internet intermediaries for |

the purpose of enhancing disclosure of   
the sponsor and other information   
concerning any paid content directed

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 25 | (*f*) | towards | a | political | purpose, |
| communicated in Sri Lanka; and | | | |
| to specify the time period to comply | | | |

with any directive issued by the   
Commission under this Act.

*Online Safety (Amendment)*  13

(2) For the purpose of subsection (1), the Commission shall, by way of a notification published in the *Gazette*, provide an opportunity to the internet service providers 5 and internet intermediaries to formulate a code of practice in relation to the matters specified in paragraphs (*a*) to (*f*) of subsection (1) on a voluntary basis, within three months from the date of publication of the notification in the 10 *Gazette*.

(3) Where the internet service providers and   
internet intermediaries -

(*a*) fail to formulate a code of practice   
on a voluntary basis within the

15 period of three months as referred to in subsection (2); or

(*b*) communicate their desire to the Commission to jointly formulate a code of practice, together with the 20 Commission,

the Commission shall take steps to formulate   
such code of practice in relation to the matters   
specified in subsection (1).

(4) Upon the Commission acting in terms of 25 subsection (3), it shall be the duty of the Commission to publish a draft code of practice in electronic form and seek comments, observations and recommendations from the internet service providers and internet

30 intermediaries within a period not less than three months and take steps to reach

14 *Online Safety (Amendment)*

concurrence and consensus from the internet   
service providers and internet intermediaries   
for the implementation of the draft code of   
practice.

5 (5) Upon the Commission acting in terms of subsection (4), the Commission shall take steps to hold public consultations on the draft code of practice, for a period of three months prior to the issuance of the code of practice 10 under subsection (1).

(6) It shall be duty of the internet service providers and internet intermediaries to comply with the code of practice formulated and published in the *Gazette* under this 15 section.

(7) Every rule made under subsection (1)   
shall be published in the *Gazette* and shall   
come intooperation on the date of publication   
or on such later date as may be specified therein.

20 (8) Every rule made under subsection (1) shall, within three months from the date of its publication in the *Gazette*, be placed before Parliament for approval and any rule, which is not so approved, shall be deemed to be 25 rescinded with effect from the date of such disapproval, but without prejudice to anything previously done thereunder.”.

|  |  |
| --- | --- |
| **23.** Section 52 of the principal enactment is hereby amended as follows: - | Amendment of section 52 of the |

principal   
enactment

*Online Safety (Amendment)*  15

(1) in the definition of the expression “false statement”,   
 by the substitution for the words “imputation   
 made”, of the words “imputation or metaphor   
 made”; and

|  |  |  |
| --- | --- | --- |
| 5 | (2) | in the definition of the expression “inauthentic |

online account”, for the words “for the purpose of   
misleading” and “holder’s identity;”, of the words  
“to mislead” and “holder’s identity for the purpose   
of committing an offence under this Act;”,

|  |  |  |
| --- | --- | --- |
| 10 | respectively. | Sinhala text |
| **24.** In the event of any inconsistency between the Sinhala |
| and Tamil texts of this Act, the Sinhala text shall prevail. | to prevail in |
| case of |

inconsistency

|  |  |
| --- | --- |
| 16 | *Online Safety (Amendment)* |

Department of Government Printing