



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

**PENAL CODE (AMENDMENT)
ACT, No. 5 OF 2021**

[Certified on 18th of January, 2021]

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Penal Code (Amendment) Act, No. 5 of 2021

[Certified on 18th of January, 2021]

L.D.—O. 43/2016

AN ACT TO AMEND THE PENAL CODE (CHAPTER 19)

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

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| <p>1. This Act may be cited as the Penal Code (Amendment) Act, No. 5 of 2021.</p> | <p>Short title</p> |
| <p>2. The word “Ceylon”, wherever it appears in the Penal Code (Chapter 19) (hereinafter referred to as the “principal enactment”) other than in sections 3, 18A, 120, 138, 158, 159, 160, 225 and 256A thereof, shall be substituted with the word “Sri Lanka”.</p> | <p>Replacement of the word “Sri Lanka” for the word “Ceylon” in Chapter 19</p> |
| <p>3. The word “Queen”, wherever it appears in the principal enactment, other than in sections 19, 115 and 120 thereof, shall be substituted with the word “Republic”.</p> | <p>Replacement of the word “Republic” for the word “Queen” in the principal enactment</p> |
| <p>4. Section 12 of the principal enactment is hereby repealed and the following section is substituted therefor:-</p> <p style="padding-left: 40px;">“Republic 12. The word “Republic” denotes the Democratic Socialist Republic of Sri Lanka.”.</p> | <p>Replacement of section 12 of the principal enactment</p> |
| <p>5. Section 13 of the principal enactment is hereby repealed.</p> | <p>Repeal of section 13 of the principal enactment</p> |
| <p>6. Section 14 of the principal enactment is hereby repealed and the following section is substituted therefor:-</p> <p style="padding-left: 40px;">“Government 14. The word “Government”, where no other meaning is indicated by any descriptive or qualifying words or by the context, and the</p> | <p>Replacement of section 14 of the principal enactment</p> |

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 Lanka, 1978.”.

Replacement of section 15 of the principal enactment

7. Section 15 of the principal enactment is hereby repealed and the following section is substituted therefor:—

““This Island” and “Sri Lanka” 15. The words “this Island” and “Sri Lanka” denote respectively, the Island of Sri Lanka.”.

Replacement of section 16 of the principal enactment

8. Section 16 of the principal enactment is hereby repealed and the following section is substituted therefor:—

“President 16. The word “President” shall mean the President of the Democratic Socialist Republic of Sri Lanka and shall include any person duly appointed or designated to exercise, perform and discharge the powers, duties and functions of his office.”.

Amendment of section 17 of the principal enactment

9. Section 17 of the principal enactment is hereby amended by the omission of illustration (b) thereof.

Amendment of section 18A of the principal enactment

10. Section 18A of the principal enactment is hereby amended by the substitution for all the words from “any enactment or any statute” to the end of that section, of the words, “any enactment of the legislature of Sri Lanka or under the Ceylon (Parliamentary Elections) Order in Council, 1946 or any rules or regulations made thereunder.”.

Amendment of section 19 of the principal enactment

11. Section 19 of the principal enactment is hereby amended by—

- (1) the substitution for all the words from “*Firstly*” to “air forces of the Queen.”, of the words:—

“*Firstly* - Every person holding any office in Sri Lanka by virtue of any

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

Secondly - Every member of the Sri Lanka Administrative Service.

Thirdly - Every commissioned officer in the naval, military or air forces of the Republic of Sri Lanka.”; and

(2) the substitution in the illustration thereof, for the words “A police Vidahn”, of the words “A Gramaseva Niladari”.

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

16. Section 119 of the principal enactment is hereby amended by the substitution—

- (1) for the words “Governor-General or a Senator or 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”.

Amendment
of section
120 of the
principal
enactment

17. Section 120 of the principal enactment is hereby amended—

- (1) by the substitution for the words “the Queen or to Her Government in Ceylon,” of the words “the President or to the Government of the Republic”;
- (2) by the substitution for the words “the Queen’s subjects” and “subjects”, respectively, of the words, “the People of Sri Lanka” and “people”; and
- (3) in the explanation thereof,—
 - (a) by the substitution for the words “the Queen or Her Government in Ceylon” of the words “the President or the Government of the Republic”; and
 - (b) by the substitution for the words “the Queen’s subjects” wherever those words appear in the explanation, of the words “the People of Sri Lanka”.

Amendment
of section
138 of the
principal
enactment

18. Section 138 of the principal enactment is hereby amended—

- (1) by the substitution for the words “Her majesty’s Government in Ceylon or the Senate or the House of Representatives”, of the words “the Government of the Republic or the Parliament”; and

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

19. Section 158 of the principal enactment is hereby amended by the substitution for the words “Government of Ceylon”, of the words “Government of the Republic”.

Amendment of section 158 of the principal enactment

20. Section 159 of the principal enactment is hereby amended by the substitution for the words “the Senate or House of Representatives or the Executive Government of Ceylon”, of the words “the Parliament or the Executive Government of the Republic”.

Amendment of section 159 of the principal enactment

21. Section 160 of the principal enactment is hereby amended—

Amendment of section 160 of the principal enactment

- (1) by the substitution for the words “the Senate or House of Representatives or the Executive Government of Ceylon”, of the words “the Parliament or the Executive Government of the Republic”; and
- (2) in the illustration thereof, by the substitution for the words “An advocate”, of the words “An attorney-at-law”.

22. Section 162 of the principal enactment is hereby amended—

Amendment of section 162 of the principal enactment

- (1) by the substitution for the words “the Government”, of the words “the Republic”; and
- (2) in the marginal note thereof, by the substitution for the words “the Government”, of the word “the Republic”.

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

Amendment of sections 191 and 192 of the principal enactment

Amendment of
section 225 of
the principal
enactment

24. Section 225 of the principal enactment is hereby amended—

- (1) by the substitution for the words “issued by the authority of the Government of Ceylon or under the Currency Ordinance, No. 21 of 1941, or any enactment in operation for the time being relating 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 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”.

Amendment of
section 256A of
the principal
enactment

25. Section 256A of the principal enactment is hereby amended by the substitution for the words “Her Majesty’s Government in Ceylon and also the Government in any part of Her Majesty’s Realms and Territories or in any foreign country.”, of the words “the Government of any foreign country.”.

Amendment of
section 398 of
the principal
enactment

26. Section 398 of the principal enactment is hereby amended in the illustration (a) thereof, the substitution for the words “Civil Service,”, of the words “Sri Lanka Administrative Service,”.

Amendment of
section 449 of
the principal
enactment

27. Section 449 of the principal enactment is hereby amended by the substitution for the word “Crown.”, of the word “State.”.

Amendment of
section 468 of
the principal
enactment

28. Section 468 of the principal enactment is hereby amended by the substitution for the words “in any part of Her Majesty’s Realms and Territories or in any foreign country”, wherever those words appear in that section, of the words “in Sri Lanka or in any foreign country”.

29. Section 478A of the principal enactment is hereby amended by the repeal of paragraph (b) of subsection (2) thereof and the substitution therefor of the following paragraph:—

Amendment of section 478A of the principal 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 includes any note of a similar character, by whatever name called, issued by or on behalf of the Government of any foreign State.”.

30. Section 485 of the principal enactment is hereby amended by the substitution for the words “of Her Majesty”, of the words “of the Republic”.

Amendment of section 485 of the principal enactment

31. 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

