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PARLIAMENT OF THE DEMOCRATIC  
SOCIALIST REPUBLIC OF  
SRI LANKA

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CODE OF CRIMINAL  
PROCEDURE (AMENDMENT)  
ACT, No. 20 OF 1995

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[Certified on 19th October, 1995]

(Printed on the Orders of Government)

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**Code of Criminal Procedure (Amendment)**

**Act No. 20 of 1995**

[Certified on 19th October, 1995]

L.D.—O. 3/95

**AN ACT TO AMEND THE CODE OF CRIMINAL  
PROCEDURE ACT, NO. 15 OF 1979**

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

1. This Act may be cited as the Code of Criminal Procedure (Amendment) Act, No. 20 of 1995.

2. Section 303 of the Code of Criminal Procedure Act, Amendment No. 15 of 1979 (hereinafter referred to as the "principal enactment") is hereby amended in subsection (1) of that section by the substitution for the words "a term not exceeding two years for an offence may order", of the words "a term not exceeding two years, for an offence may, except in any case where the sentence of imprisonment imposed is a mandatory sentence of imprisonment order".

3. The First Schedule to the principal enactment is hereby amended as follows :—

(1) by the insertion immediately after the entries relating to section 286, of the following entries :—

"286A.	Obscene publication exhibition &c. relating to children	Same	Same	Same	Imprisonment of either description for not less than two years and not exceeding ten years and may also be punished with a fine	Magnitude Court
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(2) by the repeal of the heading appearing immediately after entry 302 and the substitution therefor of the following :—

**"CAUSING OF MISCARRIAGE, INJURIES  
TO UNBORN CHILDREN, EXPOSURE OF  
INFANTS, CRUELTY TO CHILDREN, AND  
CONCEALMENT OF BIRTHS";**

(3) by the insertion immediately after the entries relating to section 308, of the following entries :—

"308A.	Cruelty to children	Same	Same	Same	Imprisonment of either description for not less than two years and not exceeding ten years and may also be punished with fine and compensation	Magnitude Court
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(4) by the repeal of on the entries relating to section 345 and the substitution therefore of the following entries :—

"345	Sexual harassment	Same	Same	Same	Same	Imprisonment of either description for a term which may extend to five years or fine or both and compensation	Magistrate's Court."
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(5) by the repeal of the heading appearing immediately after entry 349 and the substitution therefor of the following new heading :—

**"KIDNAPPING, ABDUCTION, SEXUAL EXPLOITATION OF CHILDREN, TRAFFICKING AND FORCED LABOUR";**

(6) by the repeal of all the entries relating to section 360A and the substitution therefor of the following entries :—

"360A.	Procuration	Shall not arrest without warrant	Same	Same	Same	Imprisonment of either description for not less than two years and not exceeding ten years and may also be punished with fine	Magistrate's Court."
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(7) by the insertion immediately after entries relating to section 360A of the following new entries :—

360B	Sexual exploitation of children.	Same	Same	Same	Same	Imprisonment of either description for not less than five years and not exceeding twenty years and may also be punished with fine	Magistrate's Court
360C.	Trafficking	Same	Same	Same	Same	Imprisonment of either description for not less than two years and not exceeding twenty years and may also be punished with fine	Magistrate's Court
	If the offence is committed in respect of a child	Same	Same	Same	Same	Imprisonment of either description for not less than five years and not exceeding twenty years and may also be punished with fine.	Magistrate's Court."

- (8) by the repeal of all the entries relating to section 361 ;
- (9) by the repeal of all the entries relating to section 362 ;
- (10) by the repeal of the heading appearing immediately after entry 362D and the substitution therefor of the following new heading :—

**"RAPE AND INCEST,";**

- (11) by the repeal of all the entries relating to section 364 and the substitution therefor of the following entries :—

<b>*364.</b>	Rape.	May arrest without warrant	Same	Not bailable	Same	Rigorous imprisonment for not less than seven years and not exceeding twenty years and fine and compensation and further term of imprisonment upto two years in case of failure to pay compensation.	Magistrate's Court
	Rape						
	(a) by a Public officer on a woman in his custody	Same	Same	Same	Same	Rigorous imprisonment for not less than ten years and not exceeding twenty years and fine and compensation and further term of imprisonment up to two years in case of failure to pay compensation: the court may in certain circumstances impose a sentence of less than ten years.	Magistrate's Court.
	(b) by a person being on the management or staff of a remand home woman's or children's institution, &c. on any woman inmate.	Same	Same	Same	Same	Rigorous imprisonment for not less than ten years and not exceeding twenty years and fine and compensation and further term of imprisonment up to two years in case of failure to pay compensation: the court may in certain circumstances impose a sentence of less than ten years.	Magistrate's Court.
	(c) by a person being on the Management or staff of a hospital on a woman in that hospital.	Same	Same	Same	Same	Rigorous imprisonment for not less than ten years and not exceeding twenty years and fine and compensation and further term of imprisonment up to two years in case of failure to pay compensation: the court may in certain circumstances impose a sentence of less than ten years.	Magistrate's Court.
	(d) on a pregnant woman	Same	Same	Same	Same	Rigorous imprisonment for not less than ten years and not exceeding twenty years and fine and compensation and further term of imprisonment up to two years in case of failure to pay compensation: the court may in certain circumstances impose a sentence of less than ten years.	Magistrate's Court.
	(e) on a woman under eighteen years.	Same	Same	Same	Same	Rigorous imprisonment for not less than ten years and not exceeding twenty years and fine and compensation and further term of imprisonment up to two years in case of failure to pay compensation: the court may in certain circumstances impose a sentence of less than ten years.	Magistrate's Court.
	(f) on a mentally or physically disabled woman.	Same	Same	Same	Same	Rigorous imprisonment for not less than ten years and not exceeding twenty years and fine and compensation and further term of imprisonment up to two years in case of failure to pay compensation: the court may in certain circumstances impose a sentence of less than ten years.	Magistrate's Court.
	(g) by a gang of persons.	Same	Same	Same	Same	Rigorous imprisonment for not less than ten years and not exceeding twenty years and fine and compensation and further term of imprisonment up to two years in case of failure to pay compensation: the court may in certain circumstances impose a sentence of less than ten years.	Magistrate's Court.

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Rape on a woman under sixteen years of age and where such woman stands towards the man in any of the degrees of relationship enumerated in section 364A.	Same	Same	Same	Same	Rigorous imprisonment for not less than fifteen years and not exceeding twenty years and fine	Magistrate's Court."
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(12) by the repeal of all the entries relating to section 364A and the substitution therefor of the following entries :—

"364A	Incest	Same	Same	Same	Same	(i) Rigorous imprisonment for not less than seven years and not exceeding twenty years and fine	Magistrate's Court
	(ii) attempt to commit the offence.	Same.	Same.	Same.	Same.	Imprisonment of either description for two years and fine	Magistrate's Court.

(13) by the insertion of the following new heading immediately after the entries relating to section 364A:—

**"OF UNNATURAL OFFENCES AND GRAVE SEXUAL ABUSE";**

(14) by the repeal of all the entries relating to section 365 and the substitution therefor of the following entries :—

"365.	Unnatural offences	Same	Same	Same	Same	Imprisonment of either description for ten years and fine	Magistrate's Court
	If the offence is committed by a person over eighteen years of age in respect of a person under sixteen years of age.	Same	Same	Same	Same	Rigorous imprisonment for not less than ten years and not exceeding twenty years and fine and compensation	Magistrate's Court.

(15) by the repeal of all the entries relating to section 365A and substitution therefor of the following entries :—

365A	Act of gross indecency by one person with another	Same	Same	Same	Same	Imprisonment either description up to two years or with fine or with both	Magistrate's court.
	If the offence is committed by a person over eighteen years of age in respect of a person under sixteen years of age.	Same	Same	Same	Same	Rigorous imprisonment for not less than ten years and not exceeding twenty years and fine and compensation.	Magistrate's Court."

(16) by the insertion immediately after the entries relating to section 365A of the following entries—

365B	Grave sexual abuse	Same	Same	Same	Same	Rigorous imprisonment for not less than seven years and not exceeding twenty years and fine and compensation	Magistrate's Court."
	If the offence is committed in respect of a person under eighteen years of age	Same	Same	Same	Same	Rigorous imprisonment for not less than ten years and not exceeding twenty years and fine and compensation	Magistrate's Court."

(17) by the insertion of the following new heading immediately after the entries relating to section 365B :—

**"PUBLICATION OF MATTER RELATING TO CERTAIN OFFENCES";**

(18) by the insertion immediately after the heading "PUBLICATION OF MATTER RELATING TO CERTAIN-OFFENCES" of the following entries :—

365C	Publication of matter relating to certain offences	Shall arrest without warrant	not Warrant available	Compo-undable	Imprisonment either description which may extend to two years or fine or both	Magistrate's Court."
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4. In case of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

prevail in case of inconsistency.

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