



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

**CONTEMPT OF A COURT, TRIBUNAL OR INSTITUTION
ACT, No. 8 OF 2024**

[Certified on 01st of February, 2024]

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*Contempt of a Court, Tribunal or Institution
Act, No. 8 of 2024*

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L.D.- O. 55/2021

AN ACT 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.

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

1. This Act may be cited as the Contempt of a Court, Tribunal or Institution Act, No. 8 of 2024. Short title

2. The objects of this Act shall be to— Objects of 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;
- (d) preserve and maintain the effectiveness and impartiality of a court, tribunal and institution;
- (e) strike a balance between the right of expression, fair comment and compliance with judicial directives;
- (f) set out with precision the ambit of contempt of a court, tribunal and institution; and
- (g) ensure the observance of, and respect for, the due process of law.

2 *Contempt of a Court, Tribunal or Institution*
 Act, No. 8 of 2024

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 or institution and administration of justice into disrespect or disregard; or
- (b) interfere with, or cause grave prejudice to the judicial process in relation to any ongoing litigation,

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-

- (a) willful disobedience to any judgment, decree, direction, order, writ or other process of a court, tribunal or institution;
- (b) willful breach of an undertaking given to a court, tribunal or institution;
- (c) expressing, pronouncing or publishing any matter that is false which, or doing any other act which-
 - (i) scandalizes or lowers the judicial authority or dignity of a court, tribunal or institution;
 - (ii) gravely prejudices, or unlawfully interferes with, the due course of any judicial proceeding; or
 - (iii) interferes with, or obstructs the administration of justice;

- (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 institution made by means of any electronic device or other instrument, or any such recording derived directly or indirectly from such device or instrument without the leave of the court, tribunal or institution already obtained;
- (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
- (iv) tampering, altering or falsifying any audio or visual recording or both, of a proceeding of a court, tribunal or institution; 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.

4 *Contempt of a Court, Tribunal or Institution*
 Act, No. 8 of 2024

Defences against
contempt of a
court, tribunal
or institution

4. (1) Any publication or expression of accurate facts made in good faith of a judge or judicial officer or, proceeding, judgment or order of a court, tribunal or institution as the case may be, 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 judge or judicial officer or proceeding, judgement or order is merely incidental.

(2) Any publication or expression-

- (a) of 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
- (b) of fair comments on the merits of any judgment or order of a court, or 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 *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.

Non-disclosure
of source of
information

5. A person shall not be-

- (a) required to disclose, during the court proceedings; or
- (b) found guilty of contempt of court for refusing to disclose,

the source of information contained in a publication for which he is responsible, unless it is established to the satisfaction of the court that disclosure is necessary in the interest of justice or national security or for the prevention of disorder or crime.

Contempt of a Court, Tribunal or Institution 5
Act, No. 8 of 2024

6. (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.

Power of the Supreme Court and the Court of Appeal to punish contempt of a court, tribunal or institution

(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-

- (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 with the procedure set out in section 8; and
- (b) 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 9.

(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 hearing or elsewhere:

Provided however, the provisions of this section shall not prejudice or affect the rights of a Court of 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 tribunal or 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 10.

7. (1) Notwithstanding the provisions of any other written law, the Courts of First Instance shall have the power to punish for contempt of court committed in its presence or hearing or in the course of proceedings in such Courts of

Power of the Courts of First Instance to punish contempt of court

6 *Contempt of a Court, Tribunal or Institution*
Act, No. 8 of 2024

First Instance, or any act which is specified in this Act or in any other written law for the time being in force as being punishable as contempt of court, subject to the provisions 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 11.

Procedure where
contempt of
court is in the
presence of the
Supreme Court
or the Court of
Appeal

8. (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;
- (b) at any time before the rising of the 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 signed by the Registrar of the Court, 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.

(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.

(3) The Supreme Court or the Court of Appeal, as the case may be, shall, after affording the person charged with contempt of court an opportunity to furnish an affidavit in defence and 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 Appeal may think fit, to determine the charge and to make order for the punishment or discharge of the person charged.

(4) Notwithstanding anything contained in the preceding provisions of this section, where a person charged with contempt of court under subsection (1) applies, whether orally or in writing, 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, the Court shall cause the matter to be placed, together with a statement of the facts of the case, before the Chief Justice or the President of the Court of Appeal as the case may be, for such directions as the Chief Justice or the President of the Court of Appeal as the case may be, 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 court under 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 or the President of the Court of Appeal as the case may be, 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 Judges shall 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

8 *Contempt of a Court, Tribunal or Institution*
 Act, No. 8 of 2024

presence or hearing the contempt of court is alleged to have been committed, in pursuance of a direction issued under subsection (4).

(7) The Supreme Court or the Court of Appeal, as the case may be, may, pending the determination of a charge under this section, direct that such person be released on bail subject to such conditions as such Court may deem fit to impose.

Procedure where
contempt of
court is not in
the presence of
the Supreme
Court or the
Court of Appeal

9. (1) The Supreme Court or the Court of Appeal, as the case may be, may take cognizance of contempt of court committed against it, or in disrespect of its authority, other than contempt of court committed in its presence or hearing, on-

- (a) its own motion;
- (b) a motion filed by the Attorney-General, together with any document or thing in support of the motion; or
- (c) a motion filed by any other person, together with an affidavit and any document or thing in support of the motion.

(2) Every motion or affidavit filed 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.

(3) The Supreme Court or the Court of Appeal, as the case may be, shall, after perusing the motion, and the affidavit, document or thing filed under subsection (1) and satisfying itself that a *prima facie* case of contempt of court has been established against the person alleged to have committed such contempt-

- (a) cause a rule to be issued on such person signed by the Registrar of the Court, giving particulars in writing of the contempt of court with which he is charged;
- (b) direct that such rule, together with a copy of the document 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 Attorney-General may lead the evidence of such witness relevant to the document filed under subsection (1), if necessary, subject to the right of cross-examination of the person charged with contempt of court.

(5) 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.

(6) 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.

(7) 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-

- (a) the person charged with contempt of court under this section be detained in such custody as it may specify; or

10 *Contempt of a Court, Tribunal or Institution*
 Act, No. 8 of 2024

- (b) such person be released on bail subject to such conditions as it may deem fit to impose.

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

10. (1) The Court of Appeal may take cognizance of contempt committed against, or in disrespect of the authority 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, together with any document or thing in support of the motion; or
- (c) a motion filed by any other person, together with an affidavit and any document or thing in support of the motion.

(2) Every reference made, or motion or affidavit filed under subsection (1) shall set out the particulars of the contempt of the court, tribunal or institution as the case may be, alleged to have been committed by the person alleged to have committed such contempt.

(3) The Court of Appeal shall, after perusing the reference made or the motion or affidavit filed under subsection (1), as the case may be, and satisfying itself that a *prima facie* case of contempt of 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 signed by the Registrar of the Court, 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 and document 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 Attorney-General may lead the evidence of such witness relevant to the document filed under subsection (1), if necessary, subject to the right of cross-examination of the person charged with contempt.

(5) The Court of Appeal shall hear and determine the charge after considering the affidavit filed by the person charged with such contempt 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-

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

(b) such person be released on bail subject to such conditions as it may deem fit to impose.

11. (1) Where a Court 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 Instance shall, 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.

Procedure for the exercise of jurisdiction conferred on the Courts of First Instance to try contempt of court

12 *Contempt of a Court, Tribunal or Institution*
 Act, No. 8 of 2024

(2) Where the Judge of a Court of First Instance referred to in subsection (1) acts under section 795 of the Civil Procedure Code, such Judge shall inquire from the accused whether he wishes to be tried by a Judge other than the Judge in whose presence or hearing the contempt of court 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 (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 court is 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 to issue with regard to the hearing of the charge.

Appeals

12. (1) An appeal may lie from any order or decision of the Court of Appeal in the exercise of its jurisdiction to punish for contempt of itself and a Court of First Instance, tribunal or institution, as the case may be, to the Supreme Court.

(2) The Supreme Court may, pending any appeal, order that—

- (a) the execution of the punishment, or the order or decision appealed against be suspended; or
- (b) the appellant, if he is in confinement, be released on bail.

(3) Where any person who is aggrieved by any order or decision of a Court 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 decision to the Court of Appeal, such Court of First Instance shall, until the expiry of the time limit for the filing of the appeal, order—

Contempt of a Court, Tribunal or Institution 13
Act, No. 8 of 2024

- (a) the execution of the punishment, or the order or decision appealed against be suspended; or
- (b) the appellant, if he is in confinement, be released on bail.

13. (1) A court shall not initiate any proceedings in 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 such contempt was formally brought to the attention of that court.

Period of limitation for proceedings for contempt of a court, tribunal or institution

(2) A tribunal or institution shall not refer to the Court of 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 such contempt was formally brought to the attention of that tribunal or institution.

14. Where contempt of a court, tribunal or institution under this Act is committed by a body of persons, then-

Contempt of a court, tribunal or institution by a body of persons

- (a) if that body of persons is a body corporate, every director, manager or secretary of that body corporate 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,

shall be deemed to have committed that contempt:

14 *Contempt of a Court, Tribunal or Institution*
 Act, No. 8 of 2024

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

This Act to
prevail over
other law

15. The provisions of this Act shall have effect notwithstanding anything to the contrary contained 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.

Interpretation

16. In this Act, unless the context otherwise requires –

“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 District Court, the Family Court, the Small Claims Court, the Magistrate’s Court or the Primary Court;

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

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

17. 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

