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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

THE PUBLIC SECURITY ORDINANCE (CHAPTER 40)

REGULATIONS made by the Acting President under Section 5 of the Public Security Ordinance (Chapter 40) read with Sub- paragraph (c) of Paragraph (1) of Article 40 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

RANIL WICKREMESINGHE,
Acting President,
(in terms of Article 40 (1) (c) of the Constitution).

Colombo,
July 18, 2022.

Regulations

1. These regulations may be cited as the Emergency (Miscellaneous Provisions and Powers) Regulations, No. 1 of 2022.

Short title



PART I

GENERAL

Interpretation

2. (1) In these regulations “President” means the Acting President in terms of sub- paragraph (c) of paragraph (1) of Article 40 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

(2) In any emergency regulation, unless any other definition is expressly provided therein or unless it is otherwise expressly provided therein or the context otherwise requires—

“Attorney-General” in relation to any emergency regulation, includes the Solicitor - General, Senior Additional Solicitor - General, Additional Solicitor - General, Senior Deputy Solicitor General, Deputy Solicitor - General, Senior State Counsel, State Counselor any Attorney - at-Law authorized by the Attorney - General in that behalf for the purpose of such regulation;

“Armed Forces” means the Sri Lanka Army, the Sri Lanka Navy, and the Sri Lanka Air Force established respectively by the Army Act (Chapter 357), the Navy Act (Chapter 358) and the Air Force Act (Chapter 359);

“Competent Authority” in relation to any emergency regulation means, unless otherwise provided for in such regulation, any person appointed by name or by office, by the President to be a competent authority for the purpose of such regulation;

“Emergency Regulation” means any of these regulations or any other regulation made under the Public Security Ordinance (Chapter 40);

“Essential Service” means any service which is of public utility or essential for national security or preservation of public order or to the life of the community and includes any department of Government or branch thereof;

“Inspector-General of Police” includes any Senior Deputy Inspector - General and Deputy Inspector General of Police;

“Land” includes land covered with water and parts of houses or buildings;

“Police Officer” means a member of any police force established under the Police Ordinance (Chapter 53);

“Public Officer” shall have the same meaning as in the Constitution; and

“Sri Lanka” includes the territorial waters and territorial air space thereof;

(3) The Interpretation Ordinance (Chapter 2) shall apply to the interpretation of an emergency regulation and of any Orders or rules made thereunder, as it applies to the interpretation of an Act or Ordinance or Law.

(4) Any reference in any document or any other written law to any emergency regulation shall, unless the contrary intention appears, be construed as a reference to that regulation, as amended by any subsequent regulation made under the Public Security Ordinance (Chapter 40).

(5) Where any emergency regulation requires or enables a period to be specified in any direction or Order made under such regulation, and such direction or Order does not specify any such period, such period shall be deemed to be the period during which the regulation under which such direction or Order is given or made remains in force.

3. Save as otherwise expressly provided, the powers conferred by any emergency regulation shall be in addition to, and not in derogation of any other rights or powers which by law are vested in or conferred on the President or any other authority or person.

Emergency powers to be in addition to the powers of the President

4. Any power, duty or function conferred or imposed on the President by any emergency regulation may be exercised, performed or discharged by any Minister who is authorized in that behalf by the President.

Delegation of powers of the President to any Minister

5. (1) The President may appoint, by name or by office any person as competent authority for the purposes of any emergency regulation made or may be made generally or specially for the whole of Sri Lanka or for any area or place specified in writing by which such person is appointed and may be limited to such of those purposes as may be specified in writing:

Appointment of Competent Authority

Provided that nothing in the preceding provisions of this paragraph shall be deemed to preclude the appointment of two or more persons to be competent authorities for any of the purposes of any regulation or for any specified area or place.

(2) Where the holder of a designated office has been appointed to be a competent authority, then, unless express provision is made to the contrary, the appointment shall be deemed to extend to the person for the time being performing the duties of the office designated.

6. Without prejudice to any special provisions contained in any emergency regulation, a notice to be served on any person for the purpose of any emergency regulation may be served by handing over such notice or by sending it by post addressed to that person at his last or usual place of abode or place of business.

Service of notices

7. Any power conferred by any emergency regulation to make any order or rule shall be construed as including a power, exercisable in the like manner and subject to the like conditions, if any, to revoke or vary the order or rule.

Revocation and variation of an order, &c.

PART II

ESSENTIAL SERVICES

8. (1) The President may, by order, appoint any person by name or by office to be the Commissioner - General of Essential Services for the whole of Sri Lanka. It shall be the duty of the Commissioner - General of Essential Services to execute and co - ordinate all activities relating to the supply and maintenance of essential services.

Appointment of Commissioner General of Essential Services to co-ordinate essential services

(2) The Commissioner - General of Essential Services may appoint, by name or by office, such Additional Commissioners, Deputy Commissioners or Assistant Commissioners as may be necessary for the performance of his duties under these regulations.

(3) The Commissioner - General of Essential Services may delegate to any Additional Commissioner, Deputy Commissioner or Assistant Commissioner appointed under paragraph (2) any power, duty or function conferred or imposed on, or assigned to such Commissioner - General by or under these regulations.

(4) For the purpose of the performance of duties under these regulations, the Commissioner - General of Essential Services may exercise any power conferred on any authority or officer to whom any power under these regulations have been delegated.

(5) The Commissioner - General of Essential Services may give to—

- (a) any authority or officer, to whom any power has been delegated under these regulations; and
- (b) any Coordinating Officer appointed under regulation 40,

such directions as may be necessary for ensuring the maintenance of essential services, and it shall be the duty of such authority, officer or coordinating officer as the case may be, to comply with every such direction.

Essential Services

9. (1) The President may by Order published in the *Gazette*, declare any service to be an essential service, if it appears to be so necessary for the maintenance and preservation of public order and for the maintenance of supplies and services essential to the life of the community.

(2) Any person engaged or employed in any work, in connection with a service declared to be an essential service by the President in terms of paragraph (1), who –

- (a) fails or refuses without lawful excuse after the lapse of one day from the date of such Order, to attend at his place of work or employment or such other place as may from time to time be designated by his employer or a person acting under the authority of his employer; or
- (b) fails or refuses without lawful excuse to work or keeps away from work, without working during the full period or any part of the normal working day as is required by him in accordance with the terms and conditions of his employment in such service; or
- (c) fails or refuses without lawful excuse after the lapse of one day from the date of such Order to perform such work as he may be directed by his employer or a person acting under the authority of his employer; or
- (d) being a person engaged or employed in a specified service, fails or refuses without lawful excuse to perform such work as he may from time to time be directed by his employer or a person acting under the authority of his employer, to perform at such time or place within such periods as may be specified by such employer or such person for the performance of such work (whether such time or place or period is within or outside normal working hours or on holidays), notwithstanding that he has failed or refused to so attend or to so work in furtherance of a strike or other organized action,

shall be deemed for all purposes to have forthwith terminated or vacated his employment notwithstanding anything to the contrary in any other law or the terms and conditions of any contract governing his employment and in addition, be guilty of an offence.

(3) Where any service is declared to be an essential service by the President, by Order published in the *Gazette* -

- (a) any person who, in any manner whatsoever –
 - (i) impedes, obstructs, delays or restricts the carrying on of that service; or
 - (ii) impedes, obstructs, or prevents any other persons employed in, or in connection with the carrying on of that service to refrain from attending at his place of work; or
 - (iii) incites, induces or encourages any other person employed in or in connection with the carrying on of that service to refrain from attending at his place of work; or
 - (iv) compels, incites induces or encourages the establishment or maintenance of any other service in lieu of or parallel with that service being a government department or branch thereof; or

- (v) compels, incites, induces or encourages any other person employed in, or in connection with, the carrying on of that service, to surrender or depart from his employment (whether or not such other person does so surrender or depart in consequence); or
- (vi) prevents any other person from offering or accepting employment in, or in connection with, the carrying on of that service;
- (b) any person who, by any physical act or by any speech or writing incites, induces or encourages any other person to commit an act specified in sub paragraph (a) of this paragraph (whether or not such other person commits in consequence any act so specified),

commits an offence and shall on conviction by the High Court be liable to imprisonment of either description for a term not exceeding three years.

(4) Any person who is deemed to have terminated or vacated his employment by reason of the operation of the provisions of paragraph (2) of this regulation shall vacate any quarters provided to him, by or on behalf of the government, within three days of such termination or vacation. Any person who fails to vacate such quarters within such period commits an offence under these regulations.

(5) Where any person is convicted by the High Court of any offence under this regulation, then, in addition to any other penalty that the High Court shall impose for such offence –

- (a) all property movable or immovable, of that person shall, by virtue of such conviction, be deemed to be forfeited to the Republic; and
- (b) any alienation or other disposal of such property effected by such person after the date of the coming into force of these regulations shall be deemed to have been and to be, null and void.

(6) Where any service is declared to be an essential service, by the President, by Order published in the *Gazette*, the services of any officer, servant, employee or agent employed in or belonging to any such service declared to be essential may, whenever deemed to be necessary, be requisitioned by the Secretary to the Ministry of the Minister assigned the subject of Defence or any officer authorized by him in that behalf, in consultation with the Secretary to the Ministry of the Minister to whom the relevant subject has been assigned.

(7) In this regulation-

“quarters” means any building or room or other accommodation occupied or used for the purpose of residence and includes any land or premises in which such building, room or other accommodation is situated; and

“specified service” means any essential service which is declared to be a specified service by the President under paragraph (1) being an essential service, in which a person employed or engaged in any work in connection with such service, may be required to work outside normal working hours or on holidays.

PART III

RIGHT OF ENTRY

10. (1) The President may appoint by name or by office a person to be a competent authority in relation to any essential service for the purpose of these regulations.

Prevention of
unauthorized
entry

(2) If a competent authority is of the opinion that special precautions shall be taken to prevent the entry of unauthorized persons into any area, place or premises wholly or mainly occupied or used for the maintenance of essential services, that competent authority may by Order direct that no person shall, subject to such exemptions as may be specified in the Order, enter or remain upon that area or place or those premises with out the permission of such authority or person as may be specified in the Order.

(3) If any person is in any area, place or premises in contravention of an Order made under this regulation, then with out prejudice to any other action that may be taken against him, he may be removed there from by any police officer or any member of Armed Forces or by any other person authorized in that behalf by a competent authority.

PART IV

SEARCH AND ARREST

search and
arrest for
offences

11. (1) Any Police officer or any member of the Armed Forces may search, detain for purposes of such search, or arrest without warrant, any person who is committing or has committed or whom he has reasonable ground for suspected to have been concerned in, or to have committed an offence under any of these regulations or any offence in terms of sections 345, 354, 355, 356, 357, 358, 359, 360, 360A, 360B, 360C and sections 364, 365, 365A, 365B, and sections 427 to 446 of the Penal Code (Chapter 19), and may also search, seize, remove and detain any vehicle, vessel, article, substance or thing what so ever used in, or in connection with, the commission of the offence.

(2) Any person arrested by a member of the Armed Forces under paragraph (1) shall, within twenty-four hours, be handed over to the nearest police station.

(3) Any person arrested by a police officer shall be taken to the nearest police station.

(4) Any person conducting a search under paragraph (1) may question any other person present in the premises, place, vehicle or vessel searched, or the person who is searched, in regard to any matter connected with or relating to the purpose of the search.

(5) Every person who is questioned under paragraph (4) shall furnish such information as is within his knowledge in regard to the matter on which he is questioned.

(6) The person residing in or in charge of any premises, place, vehicle or vessel which is to be searched under this regulations shall, on demand of the person conducting the search, allow him free ingress there to and afford all reasonable facilities for a search there in.

(7) A person conducting a search under this regulation may, in order to effect an entrance into the premises, place, vehicle or vessel to be searched, open or break open any outer or inner door or window.

(8) When ever it is necessary to cause a female to be searched, the search shall be made by another female.

(9) It shall be the duty of the arresting officer causing the arrest of any person within twenty - four hours of the arrest to report the arrest made under paragraph (1), where the arresting officer is a police officer, to the Officer in Charge of the Police Station in the area in which the arrest was made and where the arresting officer is a member of the Armed Forces, to the Commanding Officer of the area within which the arrest is made.

(10) Where any property is seized or detained under the provisions of this regulation a person effecting the seizure or detention shall issue a receipt in respect of such property to the person from whose custody such property was seized or detained.

(11) The President may from time to time by Order prohibit the holding of public processions or public meetings as may be specified in that Order in any area in Sri Lanka for such period and subject to such exemptions as may be specified in that Order.

(12) The Inspector General of Police may, in respect of any area in Sri Lanka, by Order direct that subject to such exemptions as may be specified in such Order that no person in that area shall between such hours or during such period as may be specified in the Order, be on any public road, railway, park, recreation ground or any other public place, except under the authority of the written permit granted by Officer-in-Charge of a police station.

PART V

OFFENCES AND PENALTIES

Offences

12. (1) Any person who—

- (a) does, any act which causes the destruction of, or damage to, property, whether movable or immovable, or any such change in any such property, as destroys or diminishes its value or utility; or
- (b) causes or attempts to cause death or injury to any person; or
- (c) commits criminal intimidation or assault on any other person; or
- (d) commits theft of any article in any premises which have been left vacant or unprotected or which have been damaged or destroyed; or
- (e) commits any offence under sections 345, 354, 355, 356, 357, 358, 359, 360, 360A, 360B, 360C, 364, 365, 365A, 365B of the Penal Code (Chapter 19); or
- (f) commits theft, extortion or robbery of any property; or
- (g) commits any offence under sections 408 to 426 of the Penal Code (Chapter 19); or
- (h) commits any offence under any of the sections 427 to 446 of the Penal Code (Chapter 19) or illegally removes or attempts to remove any goods or articles from any such premises; or
- (i) is a member of an unlawful assembly as defined in section 138 of the Penal Code (Chapter 19) the object of which assembly is to do any act referred to in sub-paragraph (a), (b), (c), (d), (e), (f) (g) or (h); or
- (j) commits any other offence under the Penal Code (Chapter 19) or under any other written law constituted by the same acts which he has committed under sub-paragraph (a), (b), (c), (d), (e), (f) (g), (h) or (i) of this Paragraph,

Commits an offence and, notwithstanding anything in the Penal Code (Chapter 19) or in other written law or in these regulations shall, on conviction thereof before the High Court, be liable to suffer life imprisonment or to imprisonment of either description for a term of twenty years.

(2) The provisions of Section 96 of the Penal Code (Chapter 19) which relates to the right of private defence of property and provide for the circumstances in which death or other harm can be caused to a wrong doer in the exercise of such right shall have effect as though the following was added at the end of that section:-

“Fifthly any offence under regulation 12 of the Emergency (Miscellaneous Provisions and Powers) Regulations, No.1 of 2022.”

(3) (a) An indictment in respect of any offence under this emergency regulation may be forwarded by the Attorney – General to the High Court, if he is satisfied that the offence was committed in furtherance of or in connection with or in the course of a civil disturbance or racially motivated riots prevailing at or about the time of the commission of such offence:

Provided that, having regard to the circumstances relating to the commission of any offence, the Attorney-General may authorize the Inspector - General of Police to institute proceedings in respect of such offence or such category of offences as he may specify, in the Magistrate’s Court. There upon the proceedings in respect of such offences may be instituted in the Magistrate’s Court with the written authority of the Inspector - General of Police, and the provisions of Chapter XVII of the Code of Criminal Procedure Act, No. 15 of 1979 shall, *mutatis mutandis*, apply in relation to the trial in respect of such offences,

(b) Where the proceedings are instituted in a Magistrate’s Court, the offender shall be liable to such punishment provided for in regulation 24 of these regulations.

Prevention of
disaffection

13. No person shall-

(a) endeavour to cause disaffection among persons who are-

- (i) public officers; or
- (ii) engaged in the service of the Republic; or
- (iii) engaged in the performance of essential services; or

(b) endeavour to induce any person referred to in paragraph (a) to do or omit to do anything in breach of his duty as a public officer or as a person as aforesaid would constitute such a contravention.

Distribution of
leaflets &c.

14. No person shall affix in any place visible to the public or distribute among the public any posters, hand bills or leaflets, the contents of which are prejudicial to public security, public order or the maintenance of supplies and services essential to the life of the community.

Communication
or spreading of
rumours and
false statements

15. No person shall, by word of mouth or by any other means what so ever, including digital means or social media, communicate or spread any rumour or false statement or any information or image or message which is likely to cause public alarm, public disorder or racial violence or which is likely to incite the committing of an offence.

False
statements

16. If any person who—

- (a) in answer to any request made in pursuance of any emergency regulation or any Order made under any such regulation makes any statement or furnishes any information which he knows or has reasonable cause to believe to be false in a material particular; or
- (b) makes such a statement as aforesaid in any account, declaration, estimate, return or other document which he is required by any emergency regulation or by order under any emergency regulation to make,

Commits an offence.

17. (1) Any person arrested in terms of these regulations may be detained for the purpose of investigation in terms of an Order issued by a Deputy Inspector General of Police. Such person shall be detained in accordance with the conditions stipulated in such Order for a period not exceeding fourteen days.

Detention for the purpose of investigation

(2) Any person arrested in terms of the preceding regulations shall as soon as possible be brought to a police station and detained therein for a period not exceeding seventy-two hours and be produced before Magistrate, unless an Order for his detention has been made by Deputy Inspector General of Police in terms of those regulations

(3) A person remanded or detained under these regulations shall have the right to communicate with his relatives.

(4) An Attorney-at-Law representing a person detained under these regulations shall have right of access to such person and to make representations on behalf of such person subject to conditions determined by the Deputy Inspector General of Police who has made the Order of detention of such person.

18. (1) No person shall attend at or near a house or place where any other person resides or works or carries on business or happens to be in, such a manner that amounts to intimidate any person in that house or place or to obstruct the approach there to or egress there from, or to lead to a breach of the peace.

Prevention of intimidation

(2) In this regulation-

“intimidate” means to cause in the mind of a person a reasonable apprehension of injury to him or to any member of his family or to any of his dependents or of violence or damage to any person or property; and

“injury” includes any injury or damage caused by a wrongful action to a person or to his business, occupation, employment or other source of income.

19. No person shall resist or obstruct any other person in the exercise or performance of any power or duty conferred or imposed on that other person by or under any emergency regulation.

Resistance to or obstruction of persons in authority

20. No person shall without lawful authority cause any obstruction or damage to any public road, bridge, culvert of any public road, to any railway or to public transport vehicle.

Obstruction or damage to roads, railway & c.

21. Any person who—

(a) attempts to commit or does any act preparatory to the commission of; or

(b) aids or abets another person to commit; or

(c) conspires with another person, in the commission of,

Attempt to commit offences

an offence under any emergency regulation shall himself be guilty of that offence and shall accordingly be tried in like manner and be punished with the same punishment as is prescribed for such offence under the emergency regulation.

22. No person knowing or having reasonable cause to believe that any other person is guilty of an offence under any emergency regulation shall give that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for the said offence.

Assisting an offence

23. Where an offence under any emergency regulation is committed by a body of persons, then-

Offences by bodies of persons

(a) if that body is a body corporate, every director of such body corporate ;and

(b) if that body is a firm, every partner of that firm,

shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent that commission of the offence.

Penalties

24. (1) Any person who contravenes or fails to comply with any emergency regulation, or any order or rule made under any such regulation or any direction given or requirement imposed under any such regulation, commits an offence, and subject to any special provisions contained in such regulation, shall on conviction after trial before the High Court without a jury or before a Magistrate, be liable to rigorous imprisonment for a term not less than three months and not exceeding five years and to a fine of not less than five hundred rupees and not exceeding five thousand rupees.

(2) Where no punishment is prescribed in any emergency regulation for an offence under that regulation a person guilty of such offence shall, on conviction after trial without a jury before the High Court or before a Magistrate, be liable to the same punishment as that specified in paragraph (1).

(3) The provisions of section 306(2) of the Code of Criminal Procedure Act, No. 15 of 1979, shall not apply to any person convicted of an offence under any emergency regulation.

PART VI

INVESTIGATIONS, TRIALS & C.

Duty to disclose information

25. (1) Who ever becomes a ware of an intention or an attempt of a preparation to commit, or the commission of an offence under any emergency regulation shall forthwith give information there of to the nearest Grama Niladhari or to the Officer-in-charge of the nearest police station.

(2) Any person who willfully fails or refuses to give the information referred to in paragraph (1) shall be guilty of an offence.

(3) Any Grama Niladhari who has received any information of any offence under these regulations shall forthwith give such information to the nearest police station.

Powers of investigating police officers

26. Any police officer investigating into an offence under any emergency regulation may—

(a) Examine orally any person suspected to be acquainted with the facts and circumstances of the offence and shall reduce in to writing any statement made by the person so examined:

Provided, however, any such statement shall be signed both by the person making it as well as by the police officer recording it:

Provided further that in the case of a person refusing to sign any such statement, such refusal shall be recorded by the police officer;

(b) Obtain specimen hand writing, photographs, finger prints and other identifying features of such person;

(c) search such person or enter and search the dwelling house or the place of work of such person;

- (d) enter and search any place, building, vehicle or vessel concerned in, or connected with, or suspected to be concerned in or connected with, any such offence; and
- (e) inspect and take possession of any movable property what so ever including any telegraph message, postal document or other book or document in any bank:

Provided, however, that before any book or document is sought to be obtained from any bank, or post office, the manager or officer-in-charge of such bank or post office, as the case maybe, shall be furnished with prior written information by a Police officer not below the rank of an Assistant Superintendent that such book or document is required for the purpose of such investigation.

27. Any book, document or paper found in the possession, custody or control of a person suspected to be concerned in any offence under any emergency regulation shall be relevant in any proceedings against such person in respect of such offence and the contents of such book, document or paper shall be admitted in evidence, against such person without proof thereof.

Documents in possession of suspected persons

28. (1) A police officer or a person duly authorized under the emergency regulations investigating in to an offence under any emergency regulation shall, not with standing anything to the contrary in any other law have—

The right to make inquiries and the duty to give assistance.

- (a) the right to question any person, including a person detained or held in custody under any emergency regulation and to take such person from place to place for the purpose of such investigation during the period of such questioning; and
- (b) the right to take charge from any person so questioned any article or other thing including a document necessary for the purpose of such investigation.

(2) It shall be the duty of every person to give all assistance to a Police Officer or to other person duly authorized, investigating into an offence under any emergency regulation and every person questioned under sub- paragraph (a) of paragraph (1) shall truthfully answer all questions put to him and not with standing anything to the contrary in any other law shall disclose all information including the contents of any document, touching the subject matter of the investigation, irrespective of the capacity in which such person has received such information or knowledge of the contents of such document.

(3) It shall be the duty of every person questioned under sub-paragraph (a) of paragraph (1) to deliver to the police officer or a person duly authorized to investigate into an offence under any emergency regulation any article or other thing including a document in the custody or possession of such person when directed so to do by such police officer or person duly authorized.

(4) Any person who contravenes the provisions of this regulation or breaches any duty imposed there under commits an offence under regulation 49 of these regulations.

29. During the period that any person is held in detention or custody, a police officer investigating in to an offence under any emergency regulation shall have a right of access during reasonable hours to any such person for the purpose of such investigation.

Right of access to police officer

30. The powers of a police officer under any emergency regulation shall be in addition to, and not in derogation of, his powers under any other written law.

Powers of a police officer in addition to other powers

31. The proceedings in any court in respect of an offence alleged to have been committed by a person under any emergency regulation shall be taken up before any other business of the court.

Priority for court proceedings.

Inquiries and trials.

32. (1) Save as otherwise provided herein and notwithstanding any other written law the proceedings in respect of an offence alleged to have been committed by a person under any emergency regulation may be taken before the appropriate court in Sri Lanka having jurisdiction over the place where that person is in for the time being.

(2) The Attorney - General may decide in which court —

- (a) offences alleged to have been committed by persons under the emergency regulations; or
- (b) offences alleged to have been committed by persons under any other written law where the acts or omission constituting such offences were consequent on, or arose out of, or were done or omitted to be done in, whether directly or indirectly, the exercise or performance, or the supposed exercise or performance, of any power or duty under such regulations,

Shall be inquired into or tried. Such court, shall be a court which would have had jurisdiction if such offences were committed within the jurisdiction of such court.

(3) Where at least one of the charges is for an offence referred to in sub-paragraph (b) of paragraph (2) the Attorney-General may, notwithstanding the provisions of any other written law, forward an indictment directly to the High Court and the accused shall be tried upon the indictment so preferred without a jury.

(4) Where the Attorney-General decides, under paragraph (2) the court by which any offence shall be inquired into or tried, he shall by his fiat in writing designate such court as the court by which such offence shall be inquired into or tried and accordingly such inquiry or trial shall be held by such court on the authority of such fiat, which shall be filed of record with the proceedings of such inquiry or trial.

(5) A decision of the Attorney General under paragraph (2) may be made applicable to—

- (a) all offences alleged to have been committed by persons under the emergency regulations throughout Sri Lanka or in any particular area in Sri Lanka; or
- (b) all such offences alleged to have been so committed by persons of any particular class or description in any particular area in Sri Lanka; or
- (c) all such offences of any particular class or description alleged to have been so committed by persons throughout Sri Lanka or in any particular area in Sri Lanka; or
- (d) all such offences of any particular class or description alleged to have been committed by person of any particular class or description, or any particular person, throughout Sri Lanka or in any particular area in Sri Lanka; or
- (e) any particular offence alleged to have been committed by any particular person throughout Sri Lanka or in any particular area in Sri Lanka.

(6) During the continuance in force of this regulation, Section 47 of the Judicature Act, No. 2 of 1978 which empowers the Attorney-General to transfer and inquire into (or trial of) any criminal offence from any court or place to any other court or place or shall have effect as if Subsection (2) of that section were not in force.

Sanction of Attorney-General.

33. (1) Subject to the provisions of paragraph (3) of regulation 12, no prosecution shall be instituted in the Magistrate's Court -

- (a) for an offence against any emergency regulation; or
- (b) for an offence against any other written law where the actor omission constituting such offence was consequenton, or arose out of, or was done or committed to be done in, whether directly or indirectly, the exercise or performance, of any power or duty under such regulation,

except by or with the written sanction of the Attorney-General.

(2) The President may by order declare that the provisions of paragraph (1) shall not apply in respect of any offence against any such emergency regulation as may be specified in the order and accordingly, so long as such order remains in force, that paragraph shall not apply to any such offence.

34. (1) Not with standing any emergency regulation or other written law the trial, including a trial at bar, for any offence under the emergency regulations, may be held upon indictment by the Attorney - General and there upon the person charged shall be tried without a preliminary inquiry before High Court at bar, as the case may be, without a jury:

Trials before
High Court

Provided that where the Attorney-General being of opinion that evidence recorded at a preliminary inquiry will be necessary for preparing an indictment, may direct the holding of a preliminary inquiry. The provisions of Chapter XV of the Code of Criminal Procedure Act, No. 15 of 1979 shall, *mutatismutandis*, apply to such preliminary inquiry.

(2) No person suspected or accused of having committed an offence in terms of these regulations be admitted to bail except under exceptional circumstances.

(3) A trial before the High Court under these regulations, including a High Court at Bar, shall be held as speedily as possible and in the manner provided under any other written law for other trials before the High Courts, or the High Court at Bar, as the case may be, without a jury.

35. The provisions of Chapter XI of the Code of Criminal Procedure Act, No.15 of 1979, shall not apply to any investigations conducted under any emergency regulation.

Provisions of
Chapter XI
of the Code
of Criminal
Procedure Act,
No. 15 of 1979
not to apply.

PART VII

MISCELLANEOUS

36. (1) During the continuance in force of this regulation, any police officer of a rank not below that of a Sergeant, any member of the Sri Lanka Army of a rank not below that of a Corporal, any member of the Sri Lanka Navy of a rank not below that of a Leading Seaman, or any member of the Sri Lanka Air Force of a rank not below that of a Corporal, may order any person or persons in or about any public road, railway, public park, public recreation ground or other public ground, seashore, or in or about, or in the vicinity of, the premises of any public building or Government department, to remove himself for themselves from that place and it shall be the duty of such person, or each such person, as the case may be, to comply with such Order.

Miscellaneous
powers

(2) If, upon the issue of an order under paragraph (1) by any officer empowered to issue such order, any person does not comply with the order or conducts himself in such a manner as to show a determination not to comply with the order such officer with such assistance as may be necessary, may proceed to give effect to such order by force including armed force, and may cause such person to be removed or arrested and confined.

(3) During the continuance in force of this regulation, sections 306 (1), (2) and (4) of the Code of Criminal procedure Act, No.15 of 1979, shall not apply to or in relation to any person who is charged with, or is convicted of, any offence under any emergency regulation.

Duty to answer question

37. (1) Notwithstanding anything in any other law to the contrary, a person taken in to custody and detained under any emergency regulation may, during the period of such custody and detention, be questioned by any Police officer, or any other officer authorized by the Commander of the Army, Commander of the Navy or Commander of the Air Force and it shall be the duty of the person so questioned to answer the question addressed to him.

(2) for the purpose of questioning any person taken into custody and detained under paragraph (1) or for any other purpose connected with such questioning, any officer referred to in paragraph (1) may remove such person from any place of detention or custody and keep him in the temporary custody of such officer for a period not exceeding seven days at a time.

Power to obtain information or examine articles

38. (1) Without prejudice to any special provisions contained in these regulations, any person shall, on being requested so do by or on behalf of a competent authority, furnish or produce to such authority or person as may be specified in the request any such information or article in his possession as may be so specified, being information or an article which the authority or person making the request is of opinion that it is necessary or expedient to obtain or examine in the interests of the national security or the maintenance of public order, or for the purposes of any emergency regulation, and if any person fails to furnish or produce any information or article in his possession in pursuance of a request duly made to him under this regulation, he shall be guilty of an offence.

(2) In this regulation, “article” includes any book, account or document.

Exemption of members of the armed forces from certain provisions of the Motor Traffic Act

39. A member of Armed Forces shall, when he is driving any motor vehicle when authorized so to do by the Competent Authority, for the purpose of the preservation of public order, be exempt from the provisions of the Motor Traffic Act, and the regulations made there under as are respecified in Schedule A to the Motor Traffic (Exemption of Her Majesty’s Forces) Regulations, 1955, published in *Gazette* No.10,815 of 08th July, 1955.

Powers, duties and functions of a Government Agent.

40. (1) The President may, by Order, appoint any person, by name or by office, to be the Coordinating Officer for any area in Sri Lanka as specified in the Order.

(2) Where a Coordinating Officer is appointed by the President by Order for any area in Sri Lanka, such Officer shall exercise, perform and discharge in that area all the powers, duties and functions conferred or imposed on a Government Agent under any written law or otherwise, and for that purpose every reference shall in its application in case of that area, be construed as a reference to such Coordinating Officer.

(3) The President may, by Order, appoint any person, by name or by office, to be Coordinator-in-Chief to exercise supervision over Coordinating Officer appointed under paragraph (1) for any such areas as are specified in the Order.

(4) The President may appoint, by name or by office, such Deputy Coordinators-in-Chief as may be necessary to assist the Coordinator in Chief for the performance of his duties under these regulations.

(5) The Coordinator-in-Chief may delegate to any Deputy appointed under paragraph (4) any power, duty or function, conferred or imposed on, or assigned to, such Coordinator-in-Chief under these regulations.

(6) Any Coordinator-in Chief appointed under paragraph (3), or any Deputy Coordinator-in-Chief appointed under paragraph (4) or who has been delegated the powers of the Coordinating in Chief under paragraph (5), may-

- (a) exercise, perform or discharge any power, duty or function conferred or imposed on any Coordinating Officer by this regulation and over whom he exercises supervision;
- (b) give special or general directions to Coordinating Officer over whom he exercises supervision, as to the exercise, performance or discharge by such Coordinating Officer, of any power, duty or function conferred or imposed on such Coordinating Officer by this regulation.

41. It shall be the duty of all public servants, police officers, members of the Armed Forces and employees of the statutory boards and authorities to take steps in good faith to enforce the provisions of these regulations in good faith, impartially and comprehensively and prevent a violation of any of the regulations contained herein to the best of their ability.

Duty of public
servants & c.