

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

Part II of June 28, 2024

SUPPLEMENT

(Issued on 04.07.2024)



PENAL CODE (AMENDMENT)

A

BILL

to amend the Penal Code (Chapter 19)

*Ordered to be published by the Minister of Justice, Prison Affairs and
Constitutional Reforms*

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STATEMENT OF LEGAL EFFECT

Clause 2 : This clause amends section 345 of the Penal Code (Chapter 19) and the legal effect of the amendment is to—

- (a) extend the application of that section to a sexual harassment caused by means of any communication;
- (b) define the series of activities by which the sexual harassment may cause by using words or actions; and
- (c) define the expression “communication”.

Penal Code (Amendment)

L.D.—O 55/2022

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: -

1. This Act may be cited as the Penal Code (Amendment) Act, No of 2024. Short title

5 2. Section 345 of the Penal Code (Chapter 19) is hereby repealed and the following section is substituted therefor:- Replacement
of section
345 of
Chapter 19

10 “Sexual harassment 345. (1) Whoever, by assault or use of criminal force, or by the use of words or actions or by means of any communication, causes sexual annoyance or harassment to another person commits the offence of sexual harassment and shall on conviction be punished with imprisonment of either description for a term which may extend to

15 five years or with fine or with both and may also be ordered to pay compensation of an amount determined by court to the person in respect of whom the offence was committed for the injuries caused to such person.

20 (2) The “use of words or actions” referred to in subsection (1) which amount to sexual harassment includes –

- (a) making any sound or gesture;
- (b) exhibiting any object;
- 25 (c) disrobing or compelling such person to be naked;

- (d) physical contact and advances involving unwelcome and explicit sexual overtures;
- 5 (e) demanding or requesting for sexual favours;
- (f) showing pornography against the will of such person;
- (g) making sexually coloured remarks; or
- 10 (h) exposing genitals with the intention of causing alarm or distress.

15 (3) The “communication” referred to in subsection (1) which amount to sexual harassment includes transmitting, distributing, sharing, generating, propagating or publishing any sexually explicit message, remark, image, audio or video through electronic means or internet.

20 (4) For the purposes of this section, an assault may include any act that does not amount to rape under section 363 or grave sexual abuse under section 365B.

25 *Explanation* – “injuries” includes psychological or mental trauma.”.

3. 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

