



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

PENAL CODE (AMENDMENT)

A

BILL

to amend the Penal Code (Chapter 19)

Presented by the Minister of Justice on 13th of November, 2020

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Ordered by Parliament to be printed

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STATEMENT OF LEGAL EFFECT

Clauses 2 to 30: These clauses make provisions to amend the Penal Code (Chapter 19) by replacing outdated words and expressions appearing in that Code with the words and expressions which reflect the contemporary position.

Penal Code (Amendment)

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:-

1. This Act may be cited as the Penal Code Short title.
(Amendment) Act, No. of 2020.
- 5 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”. Replacement of the word “Sri Lanka” for the word “Ceylon” in Chapter 19.
- 10 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”. Replacement of the word “Republic” for the word “Queen” in the principal enactment.
4. Section 12 of the principal enactment is hereby repealed and the following section is substituted therefor:- Replacement of section 12 of the principal enactment.
- 15 “Republic. 12. The word “Republic” denotes the Democratic Socialist Republic of Sri Lanka.”.
5. Section 13 of the principal enactment is hereby repealed. Repeal of section 13 of the principal enactment.
6. Section 14 of the principal enactment is hereby repealed and the following section is substituted therefor:- Replacement of section 14 of the principal enactment.
- 20 “Government. 14. The word “Government”, where no other meaning is indicated by any descriptive or qualifying words or by the context, and the

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.”.

5

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 Section 15 of the principal enactment is hereby repealed and the following section is substituted therefor:—

Replacement of section 15 of the principal enactment.

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

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 Section 16 of the principal enactment is hereby repealed and the following section is substituted therefor:—

Replacement of section 16 of the principal enactment.

“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.”.

15

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

Amendment of section 17 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 18A of the principal enactment.

25

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

Amendment of section 19 of the principal enactment.

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

30 “*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.

5 *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

10 (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
15 it appears in that section, of the word “spouse”.
Amendment
of section 25
of the
principal
enactment.

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.

14. Section 56 of the principal enactment is hereby
20 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.

15. Section 115 of the principal enactment is hereby
amended by the substitution for the words “to deprive the
25 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.

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

Amendment
of section
119 of the
principal
enactment.

- (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”.

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

Amendment
of section
120 of the
principal
enactment.

- (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”;
- (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”.

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

Amendment
of section
138 of the
principal
enactment.

- (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.”.

5 **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.

10 **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.

- 15 (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

- 20 (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
- 25 (2) in the marginal note thereof, by the substitution for the words “the Government” of the word “the Republic”.

30 **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.

- 24.** Section 225 of the principal enactment is hereby amended—
- Amendment
of section
225 of the
principal
enactment.
- (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”.
- 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
256A 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
398 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
449 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”.
- Amendment
of section
468 of the
principal
enactment.

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.

- 5 “(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
10 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”,
15 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.

