

SRI LANKA – LEGAL ANNEX

Constitution adopted 1978 (last amended Dec. 2000)

Declaration of Assets and Liabilities Law [1/1975]

Declaration of Assets and Liabilities (Amendment) Act [29/1985]

Declaration of Assets and Liabilities (Amendment) Act [74/1988]

Commission to Investigate Allegations of Bribery or Corruption Act [19/1994]

Parliamentary Elections Act [1/1981]

Regulation dated February 15, 1991 under Section 10 of the Declaration and Assets and Liabilities

Law No. 1 of 1975, as amended by Act No. 29 of 1985 and Act No 74 of 1988

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Constitution adopted 1978 (last amended Dec. 2000)

Article 91

Disqualification for election as Member of Parliament.

No person shall be qualified to be elected as a Member of Parliament or to sit and vote in Parliament –

(1) (b) if he –

- (i) stands nominated as a candidate for election for more than one electoral district at a General Election,
- (ii) stands nominated as a candidate for election by more than one recognized political party or independent group in respect of any electoral district,
- (iii) stands nominated as a candidate for election for an electoral district and before the conclusion of the election for that electoral district he stands nominated as a candidate for election for any other electoral district, or
- (iv) being a Member of Parliament, except in the circumstances referred to in Article 70 (7) or Article 155 (4) (i), stands nominated as a candidate for election for any electoral district

(c) if he is the President of the Republic;

(d) if he is –

- (i) a judicial officer,
- (ii) the Parliamentary Commissioner for Administration,
- (iii) the Secretary-General of Parliament or a member of his staff,
- (iv) a member of the Public Service Commission,
- (v) the Commissioner of Elections,
- (vi) the Auditor-General,
- ²²(vii) a public officer holding any office created prior to November 18, 1970, the initial of the salary scale of which was, on November 18, 1970, not less than Rs. 6,720 per annum, or such other amount per annum as would, under any subsequent revision of salary scales, correspond to such initial,
- (viii) a public officer holding any office created after November 18, 1970, the initial of the salary scale of which is, on the date of the creation of that office, not less than the initial of the salary scale applicable, on that date, to an office referred to in item (vii) or such other amount per annum as would, under any subsequent revision of salary scales, correspond to the first-mentioned initial,
- (ix) an officer in any public corporation holding any office created prior to November 18, 1970, the initial of the salary scale of which was, on November 18, 1970, not less than Rs. 7,200 per annum or such other amount per annum as would, under any subsequent revision of salary scales, correspond to such initial,

- (x) an officer in any public corporation holding any office created after November 18, 1970, the initial of the salary scale of which is, on the date of creation of that office, not less than the initial of the salary scale applicable on that date to an office referred to in item (ix) or such other amount per annum as would, under any subsequent revision of salary scales, correspond to the first mentioned initial,
 - (xi) a member of the Regular Force of the Army, Navy or Air Force, or
 - (xii) a police officer or a public officer exercising police functions;]
- (e) if he has any such interest in any such contract made by or on behalf of the State or a public corporation as Parliament shall by law prescribe ;
- (f) if he is an undischarged bankrupt or insolvent, having been declared bankrupt or insolvent ;
- (g) if during the preceding seven years he has been adjudged by a competent court or by a Special Presidential Commission of Inquiry to have accepted a bribe or gratification offered with a view to influencing his judgment as a Member of Parliament or as a member of the legislature prior to the commencement of the Constitution.

(2) For the purposes of sub-paragraph (g) of paragraph (1) of this Article, the acceptance by a Member of Parliament of any allowance or other payment made to him by any trade union or other organization solely for the purpose of his maintenance shall be deemed not to be the acceptance of a bribe or gratification.

Article 102

Public officer or an officer of a public corporation not to function during period of election.

When a public officer or an officer of a public corporation is a candidate at any election, he shall be deemed to be on leave from the date on which he stands nominated as a candidate until the conclusion of the election. Such a public officer or an officer of a public corporation shall not during such period exercise, perform or discharge any of the powers, duties or functions of his office.

Article 170

“public corporation” means any corporation, board or other body which was or is established by or under any written law other than the Companies Ordinance, which funds or capital wholly or partly provided by the Government by way of grant, loans or otherwise.

“public officer” means a person who holds any paid office under the Republic other than a judicial officer, but does not include:

- a. the President
- b. the Speaker
- c. a Minister
- d. a member of the Judicial Service Commission
- e. a member of the Public Service Commission
- f. a deputy minister
- g. a MP
- h. the secretary general of parliament
- i. a member of the president’s staff
- j. a member of the staff of the secretary general or parliament

Declaration of Assets and Liabilities Law (1/1975, am. 75/1988)

Article 2

- (1) The provisions of this Law shall apply to every person belonging to any one of the following classes or descriptions of persons:
 - a. Members of the National State Assembly

Article 3

- (1) Every person to whom this Law applies shall, within three months after the appointed date, make, in such form as may be prescribed, a declaration, hereinafter in this Law referred to as a “declaration of assets and liabilities” of all -
 - a. His assets and liabilities
 - b. The assets and liabilities of his spouse
 - c. The assets and liabilities of each of his children

As on such date as may be prescribed by resolution of the National State Assembly.

- (3) Every person who is required to make the first declaration of assets and liabilities under subsection 1 or subsection 2 shall, unless such person ceases to be a person to whom this Law applies, by the thirtieth day of June in each year, make in the prescribed form, a declaration of his assets and liabilities as at the thirty first day of March of such year and include in such declaration the assets and liabilities he held of the date on which he was first required to make a declaration of his assets and liabilities he held on the date on which he was first required to make a declaration of his assets and liabilities under this Law

Article 4

The declaration of assets and liabilities shall be made in the following manner:-

- a. to the President
 - I- by the Speaker of the National State Assembly
 - II- by ministers and deputy ministers
 - III- by judges and other state officers appointed by the President
- b. to the Speaker of the National Assembly, by all other members of the National State Assembly not referred to in paragraph (a)

Article 5

- (1) Any person, body or authority responsible for the appointment, promotion, transfer or secondment, of a state officer or employee of a public corporation or local authority, shall for such purpose, have the right to call for and refer to any declaration of assets and liabilities of such state officer or employee
- (2) The Attorney General, the Director of Public Prosecutions, the Bribery Commissioner, the Commissioner of Inland Revenue and Head of the Department of Exchange Control shall have the right to call for and refer to any declaration of assets and liabilities
- (3) Any person shall, on payment of a prescribed fee to the appropriate authority, have the right to call for and refer to any declaration of assets and liabilities and on payment of a further fee to be prescribed, shall have the right to obtain a certified copy of such declaration.”

Article 6

The Bribery Commissioner may, at any time, call for such additional information as he may require from any person who has made a declaration of assets and liabilities under this Law, and utilize such information or the declaration made under this Law for the performance of his functions under the Bribery Act.

Article 7

- (1) Any person may, by communication in writing signed by him and addressed to an appropriate authority, draw the attention to such authority to any recent acquisitions of wealth or property or to any recent financial or business dealings or to any recent expenditures by any person to whom this Law applies, which to the knowledge of the person making such communication is not commensurate with the known sources of wealth and income of such person to whom this law applies.
- (2) Upon receipt of a written communication under subsection 1, the appropriate authority if he is satisfied that such communication is genuine and that the communication discloses material upon which an investigation as may be necessary for the purpose of deciding upon all or any of the following matters:
 - a. Prosecution of other suitable action under the provisions of the Bribery Act or the law relating to Exchange Control or Inland Revenue, or

- b. Prosecution under this or any other law, and where such appropriate authority finds that written communication received by him should be dealt with by any other appropriate authority may forward such communication to such other authority.
- (3) Any appropriate authority, upon deciding to investigate the material in any communication received under this section, may call for and examine the declaration of assets and liabilities made under this Law, and may summon and question or cause to be summoned and questioned the person making the communication and shall cause investigation to be made and concluded as expeditiously as possible and in any case before the lapse of a period of six months from the date of the receipt of the written communication.

Article 9

- (1) A person –
- a. Who fails without reasonable cause to make any declaration of assets and liabilities which is required to make under section 3; or
 - b. Who makes any false statement in any such declaration, or who willfully omits any asset or liability from any such declaration, or
 - c. Who fails without reasonable cause to give such additional information as the bribery commissioner may require under this law, or
 - d. Who otherwise contravenes any provisions of this law

Shall be guilty of an offence and shall unless any other penalty is otherwise provided, on conviction after trial before a Magistrate, be liable to a fine not exceeding one thousand rupees, or imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment.

(2) A person who is convicted of an offence under paragraph a of subsection 1 shall, within a period of 14 days after the date of conviction, or in the event of an appeal against such conviction, within a period of 14 days after the date of affirmation of such conviction, make the declaration of assets and liabilities referred to in section 3. The provisions of section 3 and the provisions of the other preceding sections of this Law shall, mutatis mutandis, apply to any declaration of assets and liabilities made by such person under this subsection in like manner and to the same extent as they apply to any declaration of assets and liabilities made under section 3.

Article 10

Nothing in this Law shall be read and construed as requiring any person to whom this Law applies to indicate the value of any asset included in any declaration made by him under this law except where such asset consists of holdings in cash.

Article 12

“Assets and liabilities” means “assets and liabilities in and outside Sri Lanka, and includes movable and immovable property owned by the declarant in whole or in part, any property in which the declarant has a beneficial interest and any property acquired by the declarant during the period to which the declaration relates, in the name of his spouse or child”.

Regulation of February 15, 1991

“the fee for getting access to the declaration of assets forms is 500 Rs. and an additional 250 Rs. is due to obtain certified copies of a declaration”. Total cost for a copy per declaration is 750 Rs. (the equivalent of 7.5 USD).

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5. දෙපාර්තමේන්තුව/ආයතනය/දේශපාලන පක්ෂය
திணைக்களத்தின் அல்லது நிறுவனத்தின்/ அரசியற்கட்சியின் பெயர்
Name of Department/Institution/Political Party

6. (අ) මාසික වැටුප
மாத வேతனம்
Salary per month

(ආ) මාසික දීමනා (කුමක්දැයි සඳහන් කරන්න)
மாதப் படிகள் (குறிப்பிடுக)
Allowances (Specify) per month

Declaration of Assets and Liabilities as at (To be completed by all declarants).

1. කිසියම් තැනැත්තෙක් මඔබ, මඔබේ හාර්යාල/ස්වාමිපුරුෂයා හෝ මඔබේ යම් දරුවකු* වෙනුවෙන් කිසියම් දේපලක් හාර්යාල වශයෙන් දරයි ද? එසේ නම් එම දේපලෙහි නම, ප්‍රමාණය සහ පිහිටීම ද එය අත්කර ගැනීමේ දිනය ද ඇතුළත් සම්පූර්ණ විස්තර සඳහන් කරන්න. உமக்காக, உமது வாழ்க்கைத் துணைக்காக அல்லது உமது பிள்ளைகளுள் * எவருக்காகவும் ஏதேனும் ஆதனத்தை எவரேனுமொருவர் நம்பிக்கைப்பொறுப்பில் வைத்திருக்கின்றீரா? அவ்வாறெனின் பெயர், பரப்பளவு, அமைவிடம், கொள்ளப்பட்ட தேதி என்பன பற்றியும் முழு விபரங்களையும் தருக.
Does anyone hold any property in trust for you, your spouse or any of your children*? If so, give full particulars, including name, extent and situation of property and date of acquisition.

2. මඔබ, මඔබේ හාර්යාල/ස්වාමිපුරුෂයා හෝ මඔබේ යම් දරුවකු* කිසියම් දේපලක් යම් කෙනෙකු වෙනුවෙන් හාර්යාල වශයෙන් දරයි ද? එසේ නම් ඉහත අංක 1 හි අයා ඇති අයුරු සම්පූර්ණ විස්තර සපයන්න. நீர், உமது வாழ்க்கைத் துணை அல்லது உமது பிள்ளைகளுள் * எவரும் ஏதேனும் ஆதனத்தை எவரேனுமொருவருக்காக நம்பிக்கைப் பொறுப்பில் வைத்திருக்கின்றீர்களா? அவ்வாறெனின், மேலே 1 ல் கேட்கப்பட்டுள்ளவாறான முழு விபரங்களையும் தருக.
Do you, your spouse or any of your children* hold any property in trust for anyone? If so, give full particulars as called for in 1 above.

3. ආදායම් බදු ලිපිගොනු අංකය
வருமான வரிக் கோப்பு இலக்கம்
Income Tax file number

4. මඔබ, මඔබේ හාර්යාල/ස්වාමිපුරුෂයාට හෝ මඔබේ යම් දරුවකුට* තුළුල් කාර්යාල ඉතිරිකිරීමේ බැංකුව සහ ජාතික ඉතිරිකිරීමේ බැංකුව ඇතුළු ශ්‍රී ලංකාවේ හෝ විදේශයක යම් බැංකුවල ගිණුම් (ජංගම ගිණුම්, ඉතිරිකිරීමේ ගිණුම්, ස්ථාවර ගිණුම් යනාදිය) කිසිවක් තිබේ ද? එසේ නම්, පහත සඳහන් විස්තර සපයන්න :- உமக்கு, உமது வாழ்க்கைத் துணைக்கு அல்லது உமது பிள்ளைகளுள் * எவருக்கும் அஞ்சல் அலுவலகச் சேமிப்பு வங்கியும் தேசிய சேமிப்பு வங்கியும் உட்பட இலங்கையில் அல்லது வெளிநாட்டில் உள்ள எவையேனும் வங்கிகளில் (நடப்புக் கணக்குகள், சேமிப்புக் கணக்குகள், நிலையான வைப்புகள் முதலிய) எவையேனும் கணக்குகள் உண்டா? அவ்வாறெனின், குறிப்பிடுக :-
Do you, your spouse or any of your children* have any accounts (Current Accounts, Savings Accounts, Fixed Deposits, etc.) in any Banks in Sri Lanka or abroad including Post Office Savings Bank and National Savings Bank? If so state:-

බැංකුවේ නම සහ ලිපිනය வங்கியின் பெயரும் முகவரியும் Name and Address of Bank	ගිණුම් හිමියාගේ නම கணக்கு வைத்திருப்பவரின் பெயர் Name of Account Holder	ගිණුම් අංකය கணக்கு இலக்கம் Account Number	ගිණුම විවෘත කළ දිනය கணக்குத் திறக்கப்பட்ட தேதி Date on which account was opened	නියමිත දිනයේදී පැවැති ප්‍රමාණය விதிக்கப்பட்ட தேதி யிலிருந்த மதி Balance at prescribed date
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நீர் உமது வாழ்க்கைத் துணை அல்லது உமது பிள்ளைகளுள் * எவரும் சேமிப்புச் சான்றிதழ்களில், வரி ஒதுக்குச் சான்றிதழ்களில் அல்லது அரசாங்கப் பிணைப் பத்திரங்களில் ஏதேனும் பணத்தை முதலீடு செய்திருக்கிறீர்களா? அவ்வாறெனின், குறிப்பிடுக :-

Have you, your spouse or any of your children* invested any money in Savings Certificates, Tax Reserve Certificates or Government Securities? If so state:-

சான்றிதழ் வைத்திருப்பவரின் பெயர் Name of Holder of Certificate	சான்றிதழ்களின் எண்ணிக்கை Number of Certificates	திருவிடம் மற்றும் இடம் Date and Place of Issue	செலுத்திய தொகை Amount of Investment

6. இவ்வோர் இவ்வோர்/பொதுத்தொகைகளை அல்லது உமது உமது பிள்ளைகளுள் * எவரும், எவரோனும் தனியாகவோ, ஏதேனும் கம்பனிக்கு அல்லது பங்குதாண்டகத்துக்கு வாக்குறுதிப் பத்திரங்கள் மீதும், காசோலைகள் மீது அல்லது வேறு பிணைப்பொருள் மீது அல்லது அசைவுள்ள அல்லது அசைவற்ற ஆதரவுகளை அளவளாவினார் வைத்ததன் மீது ஏதேனும் பணத்தைக் கடன் கொடுத்திருக்கிறீர்களா? அவ்வாறெனின், குறிப்பிடுக :-

Have you, your spouse or any of your children* loaned any money to any individual, company or partnership on promissory notes, cheques or other security or on the hypothecation of movable or immovable property? If so state:-

சொல்லியவரின் பெயர் மற்றும் முகவரியும் Name and Address of Borrower	சொல்லிய தொகை மற்றும் தேதியும் Date and Amount loaned	செலுத்திய வட்டி வீதம் Rate of Interest	செலுத்திய தொகை மற்றும் தேதியும் No. and Date of Deed	சான்றிதழின் பெயர் Name of Notary

7. இவ்வோர் இவ்வோர்/பொதுத்தொகைகளை அல்லது உமது உமது பிள்ளைகளுள் * எவரும், எவரோனும் பங்குத்தொகைகள், பங்குகள் அல்லது தொகுதிக்கடன் பத்திரங்கள் வைத்திருக்கிறீர்களா? அவ்வாறெனின், குறிப்பிடுக :-

Do you, your spouse or any of your children* hold any stocks, shares or debentures? If so state:-

கொடுபவரின் பெயர் Name of Shareholder	கம்பனியின் பெயர் மற்றும் முகவரியும் Name and Address of Company	செலுத்திய தொகை மற்றும் தேதியும் Number of shares held	செலுத்திய தேதி Date of purchase

