

**PROPOSED ANTI - TERRORISM BILL CLAUSES ON  
POLICE POWERS AND DUTIES**

PART	CLAUSE	MARGINAL NOTES
<b>PART III INVESTIGATION OF OFFENCES</b>	<p><b>18.</b> An officer in charge of a police station or any other police officer authorized by an officer in charge of a police station, <b>shall be entitled to commence and conduct investigation of an offence under this Act or an act preparatory to the commission of an offence under this Act:</b></p> <p>Provided however, where any person commits an offence under this Act in the presence of a police officer, or a person suspected of having committed an offence is arrested in the immediate aftermath of committing an offence, it shall be lawful for any police officer to arrest such person to question and commence the investigation:</p> <p>Provided further, such police officer shall forthwith inform the officer in charge of the relevant police station, of the commencement of such investigation, and conduct the investigation subject to his instructions.</p>	<p>Who may conduct investigations</p>
	<p><b>19.</b> Any police officer, member of the armed forces or a coast guard officer, <b>may arrest without a warrant, any person-</b></p> <p>(a) who commits in his presence, or whom he has reasonable suspicion to believe, that such person has committed or there is an imminent possibility of committing by such person an offence under this Act;</p> <p>(b) who has been concerned in committing an offence under this Act;</p> <p>(c) in respect of whom such police officer, member of the armed forces or a coast guard officer receives information or a complaint which such officer or member believes to be reliable that a person has committed or concerned in committing an offence under this Act;</p> <p>(d) who is fleeing from Sri Lanka with the intention of evading arrest or is evading arrest after committing an offence under this Act; or (e) who is violating the conditions of bail, subject to which such person has been released, being a suspect for the commission of an offence under this Act.</p>	<p>Arrest by a police officer and other officers</p>

	<p><b>20.</b> (1) A person arrested by a member of the armed forces or a coast guard officer other than a police officer, <b>shall be produced before the officer in charge of the nearest police station or a police officer designated</b>, from time to time, in that behalf by the Inspector General of Police, without unnecessary delay, and in any event within a period not exceeding twenty four hours:</p> <p>Provided however, where such person has been arrested outside the territory of the Republic of Sri Lanka or on board any aircraft or vessel, the period of time necessary for the journey from place of arrest to the relevant police station, shall be excluded in calculating such twenty-four hours period:</p> <p>Provided further, if producing the person being arrested in terms of the preceding provisions of this subsection before the officer in charge of the nearest police station is <b>not practicable due to reasons beyond the control of the person who carried out the arrest, the custody of such person shall be given to the officer in charge of the next nearest police station.</b></p> <p>(2) The officer who carried out the arrest shall as soon as practicable, notify the arrest to a commissioned officer, who has been authorized to receive such information</p> <p>(3) <b>Subject to the provisions of sections 24 and 25, a person so arrested may be questioned and further searched by the commissioned officer where it is necessary to protect the life of any person, to prevent any act of terrorism or to preserve evidence relating to an offence committed under this Act.</b></p> <p>(4) Such commissioned officer shall forthwith inform of such arrest to the officer in charge of the nearest police station or to a police officer designated by the Inspector General of Police in that behalf.</p> <p>(5) At the time of taking the person so arrested into the custody of the officer in charge of the police station as provided for in this section, the officer who carried out the arrest, shall make a statement to such officer in charge of the police station, setting out the circumstances relating to the arrest carried out by him.</p> <p>(6) Such officer shall also handover to such officer in charge of the police station all items that may have been found in the possession of the suspect, or found from the place of arrest.</p>	<p>Procedure when arrest is carried out by an officer other than a police officer</p>
	<p><b>21.</b> (1) (a) Any person arrested by a police officer, shall forthwith, be produced before the officer in charge of the</p>	<p>Procedure when arrest is</p>

	<p>police station to which such police officer is attached.                  (b) Where such production is not practicable, the person arrested shall be produced before the officer in charge of the nearest police station.  <b>(2) It shall be lawful for a police officer to obtain the assistance of a member of the armed forces or a coast guard officer to carry out an arrest</b> in terms of this Act, or to obtain such assistance to take the arrested person to a police station.</p>	<p>carried out by a police officer</p>
	<p><b>22. (1) Where there is reasonable suspicion of commission of an offence</b> under this Act, a <b>police officer, a member of the armed forces or a coast guard officer</b> (hereinafter in this Part referred to as the “arresting officer”) <b>may-</b>                  (a) stop and search any person, vehicle, vessel, train or aircraft;                  (b) question such person;                  (c) enter and search any premises or land; and                  (d) take into custody any document, thing or article, used, derived out of, connected with or, concerned in committing or, reasonably suspected of being used, derived out of, connected with, or concerned in committing an offence under this Act.  <b>(2) The provisions of section 26 shall <i>mutatis mutandis</i> apply in respect of the exercise of the powers relating to issuing of a notification to the relevant parties under this section.</b>                  (3) Any such document, thing or article so taken into custody, shall as soon as practicable be produced before the officer in charge of the police station to which the relevant police officer is attached, or be produced before the officer in charge of the nearest police station.                  (4) The officer in charge of the police station referred to in subsection (3) shall produce a report in that regard to the Magistrate before whom the relevant suspect is produced who shall make an appropriate order with regard to the possession or release of any document, thing or article so taken into custody.</p>	<p>Power to stop and search</p>
	<p><b>23. (1) The arresting officer shall inform the person being arrested, (hereinafter in this part referred to as the “suspect”) at the time of the arrest-</b>                  (a) the identity of the arresting officer;                  (b) the offence alleged to have been committed by the suspect;                  and</p>	<p>Information to be provided at the time of arrest</p>

	<p>(c) the right of access of the suspect to an Attorney-at-Law as provided for in written law.</p> <p>(2) Every reasonable measure shall be taken to convey the information specified in subsection (1) in Sinhala, Tamil or English languages, whichever language is understood by the suspect.</p> <p>(3) Where it is not practicable to convey such information to the suspect as specified in subsection (1) at the time of arrest, such information shall be conveyed in a language understood by him as soon as practicable.</p>	
	<p><b>26. (1) Where any person is arrested under section 20 or 21,</b> it shall be the duty of the arresting officer to issue to the spouse, father, mother or any other close relative of such person, forthwith or in any case not later than twenty-four hours from the arrest, a notification by way of a document in such form as is specified in the First Schedule, acknowledging the fact of such arrest. It shall be the duty of the holder of such document to return the same to, or produce the same before, the appropriate authority when such arrested person is released from custody:</p> <p>Provided that, where any person is taken into custody and it is not possible to issue a document as specified in this section, it shall be the duty of the arresting officer if such officer is a police officer, to make an entry in the information book, giving reasons as to why it is not possible, and if the arresting officer is a member of the armed forces or a coast guard officer, to report to the officer in charge of the police station the reasons why it is not possible to issue such document and the officer in charge shall make an entry of such fact along with the reasons therefor in the information book.</p> <p>(4) The officer in charge of the police station wherein the suspect is detained shall, as soon as practicable, and in any event not later than twenty-four hours of the arrest, notify the Human Rights Commission of Sri Lanka of such arrest and detention, substantially in the form set out in the Second Schedule, and notify the Inspector General of Police or his authorized representative, substantially in the form set out in the Third Schedule.</p>	Notification of the arrest
	<p><b>27. (1) The Inspector General of Police shall establish and maintain a central database and register,</b> which contain</p>	Central database and

	<p><b>information with regard to each arrest, detention, remanding, grant of bail, discharge, prosecution, conviction or acquittal and punishment</b> of persons arrested under this Act.</p> <p>(3) The Inspector General of Police shall provide information in respect of the identity of the person arrested, date of arrest, reason for arrest, place of detention in such database and register, to the Human Rights Commission of Sri Lanka whenever Human Rights Commission of Sri Lanka so requests.</p>	register
	<p><b>28. (1) A suspect-</b></p> <p>(a) who has been arrested and detained by a police officer in terms of this Act; or</p> <p>(b) who has been arrested by an officer other than a police officer and produced before the officer in charge of a police station or a <b>designated police officer in terms of section 20</b>, shall be produced before the nearest Magistrate not later than forty-eight hours from the time of such arrest:</p> <p>Provided however, where the arrest has been carried out within the territory of the Republic of Sri Lanka, the period of time necessary for the journey from place of arrest to the relevant Magistrate shall be excluded in calculating such forty-eight hours: Provided further, where the arrest has been carried out outside the territory of the Republic of Sri Lanka or on board any aircraft or vessel, the period of time necessary for the journey from place of arrest to the relevant Magistrate shall be excluded in calculating such forty-eight hours.</p> <p>(2) Where, by the time the suspect is produced before a Magistrate-</p> <p>(i) if the officer in charge of the <b>relevant police station makes an application seeking an order to remand the suspect, based on grounds that the Magistrate deems reasonable in the circumstances, order that the suspect be placed in remand custody</b>: Provided however, where the Magistrate is satisfied that there are no such reasonable grounds, the suspect may be discharged; or</p> <p>(ii) if the officer in charge of the relevant police station requests or has no objection to bail being granted, release the suspect on bail under the provisions of the Bail Act, No.30 of 1997, upon conditions to be stipulated by such Magistrate, excluding personal bail; or</p> <p>(iii) discharge the suspect, if the officer in charge of the relevant police station so requests on any ground that the</p>	Production before a Magistrate

	<p>Magistrate is satisfied.                  (3) The Magistrate before whom the suspect is produced, shall -                  (a) personally see the suspect, and look into his wellbeing and welfare through a private interview; and (b) record any comment the suspect may provide.                  (4) For the purpose of this section “private interview” means proceedings, either in open court or in Magistrate’s chamber in the absence of any police officer who may have participated in the arrest, or who has investigated into the offence, alleged to have been committed by the suspect.</p>	
	<p><b>29.</b> (1) Where the Magistrate is of the opinion, that the suspect <b>may have been subjected to cruel, inhumane or degrading treatment or torture</b>, after taking into account any comment made by the suspect under <b>section 28</b>, and any representation made by the arresting officer or officer in charge of the relevant police station, the Magistrate shall -                  (a) direct that the suspect be produced before a Judicial Medical officer for medical examination, and a report be submitted to the Magistrate by such Judicial Medical Officer; and                  (b) make an order to change the place of detention of the suspect.                  (2) Where the report of the Judicial Medical Officer reveals that there is a probability of the suspect has been subjected to torture, the Magistrate shall, after giving an opportunity to the suspect and the arresting officer or officer in charge of the police station to be heard-                  (a) direct the suspect for necessary treatment; and (b) order that the suspect be kept in remand or detention.                  (3) Where the Magistrate orders that the suspect be kept in remand or detention, any police officer who previously had access to the suspect shall not have access to the suspect.                  (4) The investigation in respect of such suspect shall be continued by such other police officers as directed by the Inspector General of Police.                  (5) The Magistrate shall also direct the Inspector General of Police to commence an investigation into the alleged torture to enable the Attorney General to institute criminal proceedings against the person who committed the alleged torture.</p>	<p>Magistrate to direct the suspect to a forensic medical examination</p>
	<p><b>31.</b> (1) (a) The Inspector General of Police or any officer not below the rank of a Deputy Inspector General of Police authorized by the Inspector General of Police in that behalf</p>	<p>Detention Orders</p>

	<p><b>may seek a Detention Order to detain a suspect for any purpose</b> specified in <b>subsection (2)</b> by way of an application made in that behalf in writing to the Secretary to the Ministry of the Minister of Defence.</p> <p>(2) A Detention Order under subsection (1) shall include reasons for the issuance thereof, and shall be issued solely for the following purposes where it is necessary: -</p> <p>(a) to facilitate the conduct of the investigations in respect of the suspect;</p> <p>(b) to obtain material for investigations and potential evidence relating to the commission of an offence under this Act;</p> <p>(c) to question the suspect in detention; and</p> <p>(d) to preserve evidence pertaining to the commission of an offence under this Act, for such reasons to be recorded in the Detention Order.</p> <p>(6) <b>The President shall, on the recommendation of the Inspector General of Police</b>, by Order published in the Gazette, specify such number of places as “approved places of detention” for the purpose of this section.</p> <p>(7) <b>The President shall, in consultation with the Inspector General of Police and the Human Rights Commission of Sri Lanka</b>, specify by Order published in the Gazette, such conditions of detention as “approved conditions of detention” for the purpose of this section</p>	
	<p><b>32. (4) After giving the suspect and the relevant police officer or officers an opportunity to be heard</b>, if the Magistrate is satisfied that there are reasonable grounds to believe that the suspect may have been tortured, he shall act in terms of <b>subsections (2), (3), (4) and (5) of section 29.</b></p>	Magistrate to visit the place of detention
	<p><b>36. (1) Where it is necessary to detain a suspect in terms of a Detention Order made under section 31 beyond a period of two months, the officer in charge of the relevant police station shall file a confidential report in the Magistrate Court</b> citing -</p> <p>(a) the allegation against the suspect;</p> <p>(b) the findings of investigation; and</p> <p>(c) reasons which require further detention, and obtain the approval of the Magistrate for such continued detention.</p> <p>(3) <b>The submissions of the police officer seeking extension of the period of detention</b> and the objections raised by the suspect or his Attorney-at-Law for such extension, shall be recorded by the Magistrate.</p>	Detention beyond two months to be only with approval of a Magistrate

	<p><b>38. (4) Following the examination of a report submitted by the officer in charge of the police station on the investigation in respect of the offence alleged to have been committed by the suspect, if the Magistrate is satisfied that, there exists <i>prima facie</i>, a basis to conclude that the suspect has committed an offence under this Act, he shall <b>direct that the suspect be detained in remand custody.</b></b></p>	<p>Suspect to be produced before a Magistrate</p>
	<p><b>39. (1) A police officer conducting an investigation</b> under this Act, shall under the authority of an order issued by the Magistrate, be entitled to -</p> <p>(a) have access to a suspect placed in remand custody and interview the suspect;</p> <p>b) record his statements, with the permission given by the Magistrate on an application made to such Magistrate in that behalf;</p> <p>(c) take the suspect out of the remand for the purpose of conducting further investigations under the authority of an order made by a Magistrate: Provided however, an officer of the Prisons Department shall be present at every instance referred to in paragraphs (a), (b) and (c).</p> <p>(2) Where a suspect has been convicted of any other offence other than an offence specified in this Act, and serving a term of imprisonment, a police officer conducting an investigation under this Act, shall under the authority of an order issued by the Magistrate, be entitled to -</p> <p>(a) have access to such suspect in the prison, and interview the suspect;</p> <p>(b) record his statements, with the permission given by the Magistrate on an application made to such Magistrate in that behalf;</p> <p>(c) take the suspect out of the prison for the purpose of conducting further investigations under the authority of an order made by a Magistrate: Provided however, an officer of the Prisons Department shall be present at every instance referred to in paragraphs (a), (b) and (c).</p>	<p>Police officer to have access to suspect in remand or prison</p>
	<p><b>40. (1) Where the officer in charge of a police station receives information</b> which he believes to be true, that a person remanded under this Act-</p> <p>(a) is committing an offence under this Act;</p> <p>(b) is making preparations or attempting to commit an offence under this Act;</p> <p>(c) is attempting to escape from remand custody; or (d) had committed an offence under this Act prior to being arrested</p>	<p>Detention during remand</p>



	<p>and such officer in charge of a police station was unaware of such fact, he shall report such information to the relevant Magistrate.</p> <p>(2) The Magistrate shall immediately inquire into such information and at the conclusion of the inquiry, if the Magistrate is satisfied that, the officer in charge of the police station had acted in good faith and the allegation against the suspect made by the police, appears to be well founded, and where the Magistrate deems it expedient to keep the suspect under detention, he may on the production of a Detention Order permit the officer in charge of the police station -</p> <ul style="list-style-type: none"> <li>(a) to take custody of the suspect;</li> <li>(b) to take custody of the suspect and keep him in remand;</li> <li>(c) to remove the suspect from remand;</li> <li>(d) to have such suspect detained in terms of such Detention Order; and</li> <li>(e) to order that the suspect be in isolation or under security.</li> </ul> <p>(3) The Detention Order made under this section shall-</p> <ul style="list-style-type: none"> <li>(a) be issued by the Deputy Inspector General of Police of the area in which the suspect is remanded; (b) be for a period of two weeks at a time for cumulative period of twelve weeks; and</li> <li>(c) be reviewed by the Magistrate in every fourteen days.</li> </ul> <p>(4) The transfer of the suspect from remand custody to detention, shall be notified to the Human Rights Commission of Sri Lanka.</p>	
	<p><b>41.</b> (2) The release of the suspect <b>shall be notified to the Human Rights Commission of Sri Lanka by the officer in charge of the relevant police station</b>, giving adequate time as may be necessary for the Human Rights Commission of Sri Lanka to send an officer authorized in writing, to be present when the release takes place.</p>	<p>Release from remand custody and detention</p>

	<p>46. (2) Where it appears to the Human Rights Commission of Sri Lanka or the Magistrate, at an inspection of the place of detention or remand under the provisions of this Act that the place of detention or remand, does not conform to the requirements referred to in subsection (1), such fact shall be informed -</p> <p>(a) to the Inspector General of Police in cases of detention; or (b) to the Superintendent of the Prisons in cases of remand.</p> <p>(3) It shall be the <b>duty of the Inspector General of Police or the Superintendent of the Prisons, as the case may be, to take steps to the greatest extent possible, to treat the suspect humanely.</b></p> <p>(4) The officer in charge of the place of detention wherein a suspect is kept in custody shall, where the suspect is -</p> <p>(a) detained for a period exceeding one month; (b) placed in remand, pending commencement of the trial; or (c) placed in remand, pending conclusion of the trial, issue a notification to the next of kin of the suspect and to the Human Rights Commission of Sri Lanka, containing following information:-</p> <p>(i) the grounds on which, the extension of the period of detention or remand was ordered; (ii) in situations where the suspect is being detained, without prejudice to the on-going investigations, information needed for the investigations to be conducted diligently and expeditiously; and (iii) in situations where the suspect is being held in remand custody, reasons as to why institution of criminal proceedings cannot be initiated immediately, or the trial cannot be commenced immediately or the trial cannot be concluded expeditiously, as the case may be.</p>	Suspect to be treated humanely
<p><b>PART IV</b></p> <p><b>POWERS AND DUTIES OF CERTAIN OFFICERS UNDER THIS ACT</b></p>	<p>47. For the purpose of conducting investigations into offences under this Act and offences under any other written law that may have been committed in the course of the same transaction, or to prevent the commission of any such offence, <b>police officers shall be vested with the powers specified in this Part in addition to any power conferred on them by the Police Ordinance or the Code of Criminal Procedure Act or any other written law, to the extent that may be necessary for investigating and preventing offences under this Act.</b></p>	Powers of police officers under this Act

	<p><b>48. (1) It shall be the duty of every police officer and any member of an armed force and a coast guard officer to take necessary measures, subject to the provisions of this Act, to prevent the commission of an offence under this Act.</b></p>	<p>Duty of certain officers to prevent the commission of offences under this Act</p>
	<p><b>49. (1) The Inspector General of Police shall name and establish a Specialized Anti-Terrorism Agency of the Sri Lanka Police, which shall be assigned with the responsibility of preventing and countering terrorism, and investigating the commission of any offence under this Act (hereinafter referred to as the “Specialized Agency”).</b>  <b>(2) Notwithstanding the provisions of subsection (1), the Inspector General of Police shall be entitled to assign any investigation or any partly conducted investigation, into the commission of an offence under this Act, to any other division or unit or to any police station, of the Sri Lanka Police.</b>  <b>(3) It shall be the duty of the Specialized Agency, to –</b>          (a) maintain the central database;          (b) maintain statistics relating to the commission of offences under this Act;          (c) conduct investigations to arrest, and proceedings relating thereto in respect of persons who commit offences under this Act;          (d) assess threat situations posed by terrorism, and issue warnings to the general public; and          (e) conduct research into terrorism, and develop investigation techniques and strategies, best practices and standards.</p>	<p>Specialized Anti-Terrorism Agency of the Sri Lanka Police</p>
	<p><b>50. (1) Where any offence under this Act is committed or upon receipt of an information of the commission of, or preparation to commit an offence under this Act, the Inspector General of Police may appoint a special team of investigators (hereinafter referred to as the “Investigation Team”) comprising of the following persons, to investigate into such offence, or to take necessary measures to prevent the same: -</b>          (a) a police officer designated by name and rank who shall be the Head of the Investigation Team;          (b) such number of other police officers designated by name and rank who shall be the criminal investigators;          (c) such number of legal experts;          (d) such number of crime inspection officers;          (e) such number of forensic medical specialists;          (f) such number of forensic psychologists;</p>	<p>Appointment of special teams of investigators</p>

	<p>(g) such number of forensic scientists, including scientists in serology, genetics, ballistics, explosives and chemicals;</p> <p>(h) such number of finger print experts;</p> <p>(i) such number of experts in handwriting and suspected documents;</p> <p>(j) such number of computer and automated network experts;</p> <p>(k) such number of forensic auditors;</p> <p>(l) such number of experts in analogy, digital technology and mobile and satellite communication technology;</p> <p>(m) such number of photographers and videographers; and</p> <p>(n) such number of other experts, that the Inspector General of Police may deem necessary.</p> <p><b>(2) (a) The Inspector General of Police shall designate a police station to the Investigation Team constituted under subsection (1).</b></p> <p>(b) The officer in charge of such police station shall, in addition to performing the general duties and functions assigned to such officer under this Act and other written law, assist the Investigation Team. (3) The members of the Investigation Team who are not police officers shall be deemed to be Peace Officers for the purpose of performing the functions assigned to such Investigation Team.</p>	
	<p><b>51. (1) A police officer not below the rank of a Deputy Inspector General of Police who is a member of an Investigation Team may with the concurrence of relevant authorities constitute support teams</b> comprising of members of any armed force, doctors and other health care workers, emergency relief service providers, public servants and other necessary persons, to attend the following duties at any scene of crime where an offence under this Act has been committed:-</p> <p>(a) to rescue and evacuate victims of any offence and other persons from the scene of crime;</p> <p>(b) to provide emergency medical treatments;</p> <p>(c) to recover dead bodies;</p> <p>(d) to douse fires;</p> <p>(e) to deactivate explosives and other lethal and dangerous substances;</p> <p>(f) to carry out controlled explosions, in order to deactivate lethal and dangerous substances;</p> <p>(g) to remove debris;</p> <p>(h) to create access routes; and</p> <p>(i) to provide other emergency, humanitarian and security</p>	Constitution of support teams

	<p>requirements and services.  <b>(2) It shall be the duty of every person whose assistance has been sought under subsection (1), to provide such assistance, as may be required.</b></p>	
	<p><b>52.</b> (1) For the purposes of this Act, a police officer not below the rank of a Sub-Inspector of police who has been authorized in writing by an officer in charge of a police station to conduct an investigation in terms of this Act, <b>shall be empowered to require any person who has been suspected of committing an offence under this Act or whose presence or assistance is required to conduct such investigation to –</b></p> <ul style="list-style-type: none"> <li>(a) be present for an interview;</li> <li>(b) answer questions put to him;</li> <li>(c) provide information;</li> <li>(d) give statements;</li> <li>(e) give statements on affidavit or oath:</li> </ul> <p>Provided that, a statement on affidavit or oath shall only be obtained on an order of a Magistrate;</p> <ul style="list-style-type: none"> <li>(f) tender any document or thing that may be in the possession or control of such person;</li> <li>(g) assist in conducting of an investigation;</li> <li>(h) where the person is suspected for committing an offence under this Act, make himself available for a physical examination having due regard to gender sensitivity and privacy of the person; and</li> <li>(i) make himself available for taking of photographs, video recording and taking finger, palm or foot prints where the person is suspected for committing an offence under this Act.</li> </ul> <p>(4) A police officer acting under the provisions of this section shall inform the person prior to being interviewed, of his rights under this Act.</p>	<p>Powers to facilitate investigations</p>
	<p><b>53.</b> Where the person in charge of any vehicle, vessel, train or aircraft disobeys any order given by a police officer or any other person acting on his demand for halting any such vehicle, vessel, train or aircraft for the purposes of this Act, <b>such police officer or the person may use such force as may be necessary to halt such vehicle:</b> Provided however, any such force may be used only where all other means of halting the vehicle, vessel, train or aircraft have proved ineffective: Provided further, any such officer shall not use excessive force except in the exercise of private defence within the meaning of the Penal Code.</p>	<p>Use of force to stop a vessel or vehicle</p>

	<p><b>54.</b> (1) A police officer shall be <b>entitled to take over the control of any vehicle, vessel, train, aircraft or unmanned aerial vehicle</b> for the <b>purpose of conducting an investigation under this Act or for preventing the commission of an offence.</b>                  (2) Such taking of control shall be promptly reported to a Magistrate.</p>	<p>Taking over the control of any vehicle, vessel, &amp; c</p>
	<p><b>55.</b> (1) For the purpose of this Act, a <b>police officer not below the rank of a Deputy Inspector General of Police may issue directions to -</b>                  (a) suspend or delay, the taking off of any aircraft, or the sailing of any vessel, for a period not exceeding forty- eight hours;                  (b) land any such aircraft at a designated airport or at any other appropriate location; or                  (c) bring any vessel to any port or harbour or any other appropriate location: Provided however, no directive under paragraphs (a), (b) or (c) shall be issued, without prior approval obtained from the Magistrate having jurisdiction in the area within which such aircraft or vessel is located. Provided further, the officer issuing the direction shall, prior to the issuance of such directive satisfy himself of the necessity for issuing the same and shall issue such directive subject to such conditions, if any, as may be specified in the approval granted by the Magistrate.</p>	<p>Suspension or delaying the taking off or sailing of vessel, aircraft, &amp; c</p>
	<p><b>56.</b> (1) An officer in charge of a police station <b>shall be entitled to directly submit a suspect in custody or a victim of an offence to a Judicial Medical Officer for examination.</b>                  (2) The report of the examination shall be directly submitted by the Judicial Medical Officer to the relevant officer in charge of the police station, with a copy to the Magistrate before whom the suspect has been, or is to be produced.</p>	<p>Clinical forensic medical examinations</p>
	<p><b>57.</b> (1) An officer in charge of a police station shall be <b>entitled to directly, submit any document, thing or article</b>, which he reasonably believes to be connected with the commission of an offence under this Act, to the Government Analyst or to any other local or foreign expert for examination and analysis.                  (2) The report of the examination shall be directly submitted by the Government Analyst or other expert, to the officer in charge of the relevant police station with a copy to the Magistrate before whom the suspect has been, or is to be produced.</p>	<p>Directly submitting items to Government Analyst or other expert</p>

	<p><b>58. (1) It shall be lawful for a police officer who conducts an investigation in respect an offence under this Act to submit material for investigation to any other law enforcement agency, if he is of the view that, there exists material indicative of that offence, falling under the purview of the investigation competency of such other law enforcement agency has been committed.</b></p> <p>(2) The law enforcement agency referred to in <b>subsection (1)</b>, may include an agency of any other sovereign country.</p>	Transfer of material for investigation
	<p><b>59. (1) It shall be lawful for a police officer with the approval of the Inspector General of Police, and with the prior approval obtained from the relevant foreign country to conduct an investigation in terms of this Act outside Sri Lanka.</b></p> <p>(2) It shall be lawful for a police officer authorized by the Inspector General of Police, with the prior approval obtained from the relevant foreign country and the Government of Sri Lanka, to undertake and carry out a joint investigation into the commission of an offence under this Act, with a criminal investigation agency of any other country.</p>	Investigations outside Sri Lanka
	<p><b>60. (1) Where a police officer not below the rank of a Senior Superintendent of Police receives reliable information that an offence under this Act is committed or is likely to be committed, he may issue any one or more of the following directives to the public, if he is of the opinion that there is a clear and present danger, and that such directive is necessary for the purpose of protecting persons from harm or further harm, associated with such offence: -</b></p> <p>(a) not to enter any specified area or premises;</p> <p>(b) to leave a specified area or premises;</p> <p>(c) not to leave a specified area or premises and to remain within such area or premises;</p> <p>(d) not to travel on any road;</p> <p>(e) not to transport anything or to provide transport to anybody;</p> <p>(f) to suspend the operation of a specified public transport system;</p> <p>(g) to remove a particular object, vehicle, vessel or aircraft from any location;</p> <p>(h) to require that a vehicle, vessel, ship or aircraft to remain in its present position;</p> <p>(i) not to sail a vessel or ship into a specified area until further notice is issued;</p> <p>(j) not to fly an aircraft out of, or into a specified air space;</p>	Police may issue directives for the protection of the public



	<p>(k) not to congregate at any particular location;</p> <p>(l) not to hold a particular meeting, rally or procession; and</p> <p>(m) not to engage in any specified activity: Provided however, no directive under paragraphs (a) to (m) shall be issued, without the prior approval obtained from a Magistrate, who shall prior to the issuance of such directive satisfy himself of the necessity for issuing the same and may make an order to issue such directive subject to such conditions.</p> <p><b>(6) The assistance of the members of any armed force may be obtained by the Inspector General of Police, with the prior approval obtained from the Commander of the relevant armed force, to give effect to any directive under this section.</b></p> <p><b>(7) For the purpose of giving effect to such directive, it shall be lawful for the police officers to cordon-off such area.</b></p> <p><b>(8) During the period of operation of such directive and during a twenty-four hours interval between two periods of operation, it shall be lawful for any police officer or a member of any armed force authorized in that behalf –</b></p> <p>(a) to stop, question and search any person found within the area within which such directive is effective;</p> <p>(b) to enter and search any premises; or</p> <p>(c) to stop any person who may attempt to enter into or, remain in the effective area of such directive and question and search such person or his belongings and property that may be taken in, or out of such area.</p> <p><b>(10) It shall also be lawful for a police officer or a member of the armed forces authorized in that behalf to restrain and search any person who may act contrary to the directive.</b></p>	
<p><b>PART V</b></p> <p><b>MATERIAL FOR INVESTIGATIONS</b></p>	<p><b>61. (1) The officer in charge of the relevant police station shall be entitled to apply for an order from a Magistrate to require any bank, non-banking financial institution or designated non-finance business to provide following information and material to such officer, subject to the provisions of the Convention on the Suppression of Terrorist Financing Act, No.25 of 2005, Prevention of Money Laundering Act, No.5 of 2006 and the Financial Transactions Reporting Act, No. 6 of 2006 :-</b></p> <p>(a) information relating to any financial service provided by such bank, institution or business, to any person;</p> <p>(b) details of any financial transaction carried out by any person;</p> <p>(c) details relating to bank accounts, deposits, remittances,</p>	<p>Obtaining information from banks, financial institutions, &amp; c</p>



	<p>and withdrawals and financial services provided by any such bank, institution or business; (d) details relating to securing of financial services by any person;</p> <p>(e) a certified statement of any account or other information pertaining to any account or transaction: Provided however, such police officer shall be entitled to apply for an order under this section only if there exist reasonable grounds of suspicion against any person in the commission of an offence under this Act.</p>	
	<p><b>62. (1) The officer in charge of the relevant police station shall be entitled to apply for an order from a Magistrate to require any telecommunication, satellite or digital service or data service provider, to provide information, including</b></p> <p>-</p> <p>(a) information pertaining to services provided or being provided by such service provider to any person;</p> <p>(b) information pertaining to services enjoyed by any person to whom such services have been made available;</p> <p>(c) any information, data or document or record that may be stored, archived or otherwise kept, by such service provider; and</p> <p>(d) information pertaining to the uploading or downloading of data or information, to or from any instrument through the service provided by such service provider: Provided however, such police officer shall be entitled to apply for an order under this section only if there exist reasonable grounds of suspicion against any person in the commission of an offence under this Act.</p> <p>(2) Such Magistrate shall consider the application made by such police officer, and make an order in terms of subsection (1), where it appears reasonable and necessary for conducting investigation.</p> <p>(3) The Magistrate shall maintain confidentiality in respect of the application and the proceedings pertaining to the same shall be held in-camera subject to Article 106 of the Constitution if requested by such police officer.</p>	<p>Obtaining information from service providers</p>
	<p><b>63. (1) The officer in charge of a police station shall be entitled to apply for an order from a Magistrate to require from the following officers any information or document for the purpose of conducting an investigation in respect of an offence under this Act:-</b></p> <p>(a) the Secretary to any Ministry of a Minister;</p> <p>(b) Secretary General of the Parliament of Sri Lanka;</p>	<p>Obtaining information from Government or statutory institutions</p>

	<p>(c) Commissioner General of Inland Revenue;  (d) Governor of the Central Bank;  (e) Head of the Department of Foreign Exchange; (f) Director of the Financial Intelligence Unit;  (g) Director General of the Securities and Exchange Commission of Sri Lanka;  (h) Director General of Customs;  (i) Controller General of Immigration and Emigration;  (j) Commissioner General for the Registration of Persons;  (k) Controller General of Imports and Exports;  (l) Registrar of Companies;  (m) Commissioner General of Land;  (n) Director General of the National Intellectual Property Office of Sri Lanka;  (o) the Registrar General  (p) Commissioner General of Motor Traffic;  (q) Director General of Telecommunications;  (r) a Head of any Government department, statutory body or other Government institution; or (s) Chairperson of a Provincial Council or a Chairperson or a Special Commissioner of a local authority.</p>	
<p><b>PART VI</b>   <b>MAGISTRATE TO MAKE ORDERS TO FACILITATE INVESTIGATIONS</b></p>	<p><b>64.</b> (1) An officer in charge of a police station may for the purpose of conducting an investigation on an offence under this Act, <b>make an application to a Magistrate for making orders to facilitate such investigation</b> including-</p> <p>(a) restraining a suspect from travelling outside Sri Lanka;  (b) by taking of blood, hair samples, swab and biometrics including the finger impressions of a person;  (c) by conducting of identification parades;  (d) forwarding productions to the Government Analyst, any other local or foreign expert or to a government forensic medical specialist;  (e) conducting of relevant examinations and tests by experts;  (f) freezing of bank accounts or freezing of other financial deposits and accounts, subject to any condition that may be imposed: Provided that, the Magistrate may on his own motion or on an application made in that behalf, vary such order, or permit the use in good faith of the funds in such accounts by the holder of any such account, for any legitimate purpose;  (g) suspending or varying the provision of services being provided by any service provider: Provided that, the Magistrate may either on his own motion or on an application made in that behalf, vary such order, enabling the use in good</p>	<p>Magistrate to make orders on application of an officer in charge of a police station</p>

	<p>faith of such services by the recipient of any such service, for any legitimate purpose; or (h) opening of safe boxes.</p>	
	<p><b>65. (1) For the purposes referred to in subsection (2), a police officer not below the rank of a Superintendent of Police may make an application to a Magistrate seeking for an order authorizing such officer -</b> (a) to direct any person who provides locking or encryption services pertaining to any communication or storage services or equipment of any data or information or other thing, to unlock or unencrypt the service or equipment and provide information contained therein to such police officer; (b) to intercept, read, listen or record any postal message or electronic mail or any telephone, voice, internet, or video conversation, or conference or any communication through any other medium; or (c) to access any, analogue or digital data or information exchange or transfer system: Provided however, such police officer shall be entitled to apply for an order under this section only if there exist reasonable grounds of suspicion against any person in the commission of an offence under this Act.</p>	<p>Magistrate to authorize unlocking data and information</p>
<p><b>PART VII INSTITUTION OF CRIMINAL PROCEEDINGS</b></p>	<p><b>70. (2) Where the Attorney General suspends and defers the institution of criminal proceedings under subsection (1), he shall pay due regard to-</b> <b>(c) views of the Inspector General of Police;</b></p>	<p>Suspension and deferment of indictment</p>
<p><b>PART X MISCELLANEOUS ORDERS</b></p>	<p><b>79. (2) A Proscription Order may be made by the President, for giving effect to -</b> <b>(a) a recommendation made by the Inspector General of Police;</b></p>	<p>President to make Proscription Orders</p>
	<p><b>80 (1) Where on a recommendation made by the Inspector General of Police, the President has reasonable grounds to believe, that any person has committed, or is making preparation, to commit an offence under this Act, and the conduct of such person cannot be investigated without him being arrested, and if the President is of the opinion that it is necessary to do so, the President may, after an application is made to the High Court by the Attorney-General and upon obtaining the sanction of such Court, make an order in writing (hereinafter referred to as a “Restriction Order”) imposing</b></p>	<p>President to make Restriction Orders</p>

	such restrictions, as shall be specified in that order, for a period not exceeding one month.	
	<b>82.</b> (1) For the purposes of this Act, <b>the President may, on a recommendation made by the Inspector General of Police</b> or the Commander, respectively of, Army, Navy or Air Force or the Director General of Coast Guard, from time to time, by Order published in the Gazette, stipulate any place of public use or any other location to be a prohibited place (hereinafter referred to as the “Prohibited Place”).	Prohibited Places
	<b>83.</b> (1) <b>Any police officer may seize any movable property</b> used for committing or concerned in committing an offence, or derived out of committing an offence under this Act.	Seizure, confiscation and forfeiture of property