

CHAPTER 63

DECLARATION OF ASSETS AND LIABILITIES

Law
No. I of 1975.

A LAW TO COMPEL CERTAIN SPECIFIED CATEGORIES OF PERSONS TO MAKE PERIODIC DECLARATIONS OF THEIR ASSETS AND LIABILITIES IN AND OUTSIDE SRI LANKA ; TO PROVIDE FOR REFERENCE TO BE MADE TO SUCH DECLARATIONS BY APPROPRIATE AUTHORITIES AND FOR INVESTIGATIONS TO BE CONDUCTED UPON THE RECEIPT OF ANY COMMUNICATION AGAINST A PERSON TO WHOM THIS LAW APPLIES ; TO PROVIDE FOR PENALTIES FOR NON-DECLARATION OF ASSETS AND LIABILITIES AND FOR FALSE DECLARATIONS ; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[1st August. 1975.]

Short title.

1. This Law may be cited as the Declaration of Assets and Liabilities Law.

(b) the assets and liabilities of his spouse ;
and

Application of
this Law.

2. (1) The provisions of this Law shall apply to every person belonging to any one of the following classes or descriptions of persons :—

(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,

(a) Members of Parliament;

(2) Where a person who on the appointed date is not a person to whom this Law applies becomes thereafter a person to whom this Law applies, he shall, within three months of the date on which he becomes a person to whom this Law applies, make a declaration of assets and liabilities as on the last-mentioned date.

(b) Judges and other public officers appointed by the President or by the Cabinet of Ministers, or judicial officers* and scheduled public officers appointed by the Judicial Service Commission, and staff officers in Ministries and Government Departments ;

(3) The declaration of assets and liabilities that a person is required to make under subsection (1) or subsection (2) shall, unless such person ceases to be a person to whom this Law applies, be made periodically in every fifth year after the first declaration of assets and liabilities or at such shorter periodic intervals as Parliament may by resolution determine.

(c) Chairmen, Directors, members of the Boards and staff officers of public corporations ;

(d) elected members and staff officers of local authorities ; and

(e) such categories of other officers as may be specified by regulations.

(2) A person to whom the provisions of this Law apply by virtue of the operation of the preceding provisions of this section, is hereafter in this Law referred to as a " person to whom this Law applies ".

4. The declaration of assets and liabilities shall be made in the following manner;—

To whom
declaration of
assets and
liabilities are to
be made.

(a) to the President—

(i) by the Speaker of Parliament,

(ii) by Ministers of the Cabinet of Ministers, other Ministers and Deputy Ministers,

(iii) by Judges and other public officers appointed by the President;

Duty of
persons to
whom this Law
applies to
make
declarations of
assets and
liabilities.

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 ;

* This addition has been made to bring it into line with Article 114 of the Constitution of 1978.

DECLARATION OF ASSETS AND LIABILITIES

- (b) to the Speaker of Parliament, by all other Members of Parliament not referred to in paragraph (a) ;
- (c) to the Secretary to the Judicial Service Commission, by judicial officers and scheduled public officers appointed by the Judicial Service Commission ;
- (d) to the Secretary to the Ministry—
 - (i) by Heads of Government Departments,
 - (ii) by Chairmen and Directors of public corporations,
 - (iii) by staff officers in the Ministry ;
- (e) to the Head of the Department, by staff officers of such Department ;
- (f) to the Chairman of the Corporation, by staff officers in such Corporation ;
- (g) to the Secretary to the Ministry charged with the subject of Local Government, by Mayors and Chairmen of local authorities ;
- (h) to the Commissioner of Local Government, by other elected members of local authorities ;
- (i) to the Director of Local Government Service, by staff officers of local authorities who are members of the Local Government Service ; and
- (j) to the persons specified by regulations made by the Minister, by officers of the categories specified by such regulations.

such information or the declaration made under this Law for the performance of his functions under the Bribery Act.

7. (1) Any person may, by a communication in writing signed by him and addressed to an appropriate authority, draw the attention of 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.

Procedure regarding written communications by any person and prohibition of public statements.

(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 ought to be made, shall make such investigation as may be necessary for the purpose of deciding upon all or any of the following matters :—

- (a) prosecution or 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 a written communication received by him should be dealt with by any other appropriate authority, he 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 investigations 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 such written communication.

(4) Save as provided in subsection (1), it shall be an offence for any person to make a public statement concerning a person to

Power to refer to declaration of assets and liabilities.

5. (1) Any person, body or authority responsible for the appointment, promotion, transfer or secondment, of a public 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 public officer or employee.

(2) The Attorney-General, the Bribery Commissioner, the Commissioner-General of Inland Revenue and the Head of the Department of Exchange Control shall have the right to call for and refer to any declaration of assets and liabilities.

Power of Bribery Commissioner to call for additional information.

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

whom this Law applies alleging that such person has made recent acquisitions of wealth or property, or recent financial or business dealings, or incurred recent expenditures not commensurate with the known sources of wealth and income of such person, or to make any such public statement in respect of any investigation being made by an appropriate authority upon a written communication made by him under the provisions of subsection (1).

(5) Any person who commits an offence under the provisions of subsection (4) shall, upon conviction after trial by a Magistrate, be liable to a fine not exceeding one thousand rupees or to a term of imprisonment of either description not exceeding one year, or to both such fine and imprisonment.

(6) In this section, " appropriate authority " shall mean the Attorney-General, the Bribery Commissioner, the Commissioner-General of Inland Revenue, the Head of the Department of Exchange Control and the Principal Collector of Customs.

Preservation of
secrecy and
oath of secrecy.

8. (1) Except in the performance of his duties under this Law, a person shall preserve and aid in preserving secrecy with regard to all matters relating to the affairs of any person to whom this Law applies, which may come to his knowledge in the performance of his duties under this Law, and shall not communicate any such matter to any person other than the person to whom such matter relates, or suffer any unauthorized person to have access to any papers or records which come into his possession in the performance of his duties under this Law.

(2) Every person who is required to preserve and aid in preserving secrecy under the provisions of subsection (1) shall take and subscribe before a Justice of the Peace an oath of secrecy in such form as may be prescribed.

(3) Any person required to preserve and aid in preserving secrecy under the provisions of subsection (1) shall not be required to produce in any court any declaration of assets and liabilities or any other document relating thereto, or to divulge or communicate to any court any

matter or thing coming to his notice in the performance of his duties under this Law, except as may be necessary for proceedings instituted or to be instituted under, or for the purpose of carrying into effect the provisions of, this Law or the Bribery Act, the Exchange Control Act, the Inland Revenue Act, No. 4 of 1963, or the Inland Revenue Act (No. 28 of 1979), or the Customs Ordinance.

(4) Any person who contravenes the provisions of this section shall be guilty of an offence and shall, upon conviction after trial before a Magistrate, be liable to a fine not exceeding two thousand rupees or to a term of imprisonment of either description not exceeding two years or to both such fine and imprisonment.

9. (1) A person—

offences.

(a) who fails without reasonable cause to make any declaration of assets and liabilities which he is required to make under section 3 ; or

(b) who makes any false statement in 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 fourteen days after the date of conviction, or in the event of an appeal against such conviction, within a period of fourteen 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.

(3) Any person who fails to comply with the provisions of subsection (2) shall be guilty of an offence and shall, on conviction after trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment and to a further fine of fifty rupees for each day of continuation of that offence.

(4) Where any person has been convicted by a court of any offence under paragraph (a) or paragraph (b) of subsection (1), it shall be the duty of the court to bring the fact of such conviction to the notice of the person to whom such convicted person was bound to make the declaration of assets and liabilities under this Law.

(5) No prosecution for any offence under this Law shall be instituted except with the prior sanction of the Attorney-General.

Regulations. **10.** (1) The Minister may make regulations—

- (a) relating to any matter required by this Law to be prescribed ;
- (b) specifying categories of officers for the purpose of paragraph (e) of section 2 (1) and the person to whom each such category of officers shall make the declaration of assets and liabilities ; and
- (c) in respect of all matters necessary for carrying out the provisions or giving effect to the principles of this Law.

(2) No regulation made by the Minister shall have effect until it is approved by Parliament and notification of -such approval is published in the Gazette.

This Law to prevail over other laws.

11. Where the provisions of this Law are in conflict or inconsistent with the provisions of any other law the provisions of this Law shall prevail.

Interpretation. **12.** In this Law, unless the context otherwise requires—

" appointed date " means the 1st day of August, 1975 ;

" assets and liabilities " means assets and liabilities in and outside Sri Lanka, and includes movable and immovable property ;

" child " means—

- (a) a child who is unmarried and under eighteen years of age ; or
- (b) a child who is eighteen years of age or over but is dependent on his or her parent or parents, and includes a step-child or a child who has been adopted under the Adoption of Children Ordinance ;

" Commissioner of Local Government " includes any Deputy Commissioner of Local Government and any Assistant Commissioner of Local Government;

" local authority " includes any Municipal Council, Urban Council, Town Council or Village Council;

" prescribed " means prescribed by regulation ;

" 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 with capital partly or wholly provided by the Government by way of grant, loan or other form, and includes all " scheduled institutions " within the meaning of the Bribery Act and such other institutions or bodies of persons as may be prescribed by regulations under section 10 ;

" staff officer " means—

- (a) in the case of any employee of the Government or a local authority, any officer holding any office the initial of the salary scale of which is not less than Rs. 6,720 per annum;and
- (b) in the case of any employee of a public corporation, any officer holding any office the initial of the salary scale of which is not less than Rs. 7,200 per annum.