



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

**DECLARATION OF ASSETS AND LIABILITIES
(AMENDMENT)**

A

BILL

**to amend the Declaration of Assets and Liabilities
Law, No. 1 of 1975**

*Presented by Hon. Eran Wickramaratne, M. P.
on 26th of May, 2023*

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STATEMENT OF LEGAL EFFECT

This Bill seeks to amend the Declaration of Assets and Liabilities Law, No. 1 of 1975 by:

- (a) Providing for the Commission to Investigate Allegations of Bribery or Corruption to establish an electronic automated asset declaration system, which will enable electronic submission of declarations of assets and liabilities, and public access to same, subject to redaction of specified information;
- (b) Providing for the filing of extraordinary asset declarations during the course of a year, where the net assets of an individual exceed by a specified amount the previously declared sums;
- (c) Providing for the appropriate authority to forward declarations of assets and liabilities to the Commission to Investigate Allegations of Bribery or Corruption;
- (d) Providing for public access to Declarations of assets and liabilities subject to redaction of specified information;
- (e) Providing for the maintenance of secrecy with regard to information which is required to be redacted when providing copies of declarations of assets and liabilities to the public;
- (f) Providing for prosecutions to be initiated in terms of the Act, only by or with the consent of the Commission to Investigate Allegations of Bribery or Corruption; and
- (g) Making consequential amendments to the Act.

Declaration of Assets and Liabilities (Amendment)

AN ACT TO AMEND THE DECLARATION OF ASSETS AND LIABILITIES
LAW, NO. 1 OF 1975

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:-

1. This Act may be cited as the Declaration of Assets and Liabilities (Amendment) Act, No. of 2023. Short title

5 2. Section 2 of the Declaration of Assets and Liabilities Law, No.1 of 1975 as amended (hereinafter referred to as “the principal enactment”), is hereby amended as follows:- Amendment of Section 2 of Law, No. 1 of 1975

(1) By the insertion immediately after padagraph (a) thereof of the new paragraph:-

10 “(aa) The President;”

(2) In paragraph (da), by the omission of the words “the Development Councils (Elections) Act, No. 20 of 1981”;

15 (3) In paragraph (dc), by the omission of the words “the Development Councils (Elections) Act, No. 20 of 1981”;

(4) By the repeal of paragraph (dd); and

20 (5) In paragraph (de), by substitution for the words “the Companies Act, No. 17 of 1982” of the words “the Companies Act, No. 7 of 2007”.

3. Section 3 of the principal enactment is hereby amended as follows:- Amendment of Section 3 of the principal enactment

(1) In subsection (1) by the insertion of the proviso;

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5 “Provided that where a declaration of assets and liabilities that has been submitted to an appropriate authority by a person to whom this law applies via the electronic automated asset declaration system as per section. 4A, such declaration shall be deemed/ considered to have been duly submitted for the purposes of this section.”

10 (2) In subsection (2) by the substitution for the words “within three months” of the words “within one month”;and

(3) Immediately after subsection 3, by the insertion of the following which shall take effect as subsection (4) of section 3:–

15 “(4) Where, following the filing of an annual declaration of assets and liabilities pursuant to subsection (3) above, a person to whom this law applies has engaged in a transaction or cumulative transactions which have the effect of varying the net assets and liabilities of such person by over Rupees ten million before the next date of filing, such person shall file an extraordinary declaration of assets and liabilities within one month of the threshold of Rupees ten million being met, in such form as shall be prescribed by regulation by the Minister within three months of the enactment of this Act.”

4. Section 4 of the principal enactment is hereby amended as follows:-

Amendment of Section 4 of the principal enactment

30 (1) By numbering the existing provisions of section 4, as subsection (1) of section 4;

(2) in subparagraph (ii) of paragraph (a) thereof, by the substitution for the words” and Deputy Ministers” of the

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words “who are Members of the Cabinet of Ministers, Ministers who are not Members of the Cabinet of Ministers, and Deputy Ministers”;

5 (3) By the insertion immediately after paragraph (a) thereof of the new paragraph:-

“(aa) to the Office of the Speaker of Parliament, by the President;”

10 (4) In subparagraph (i) of paragraph (ia) thereof, by the omission of the words “the Development Councils (Elections) Act, No. 20 of 1981”;

(5) In subparagraph (ii) of paragraph (ia) thereof, by the omission of the words “the Development Councils (Elections) Act, No. 20 of 1981”;

(6) By the repeal of subsection (ic) thereof.

15 (7) In the subsection (id) thereof, by substitution for the words “the Companies Act, No. 17 of 1982” of the words “the Companies Act, No. 7 of 2007”; and

20 (8) Immediately after subsection (1) by the insertion of the following which shall take effect as subsection (2) of section 4:-

25 “(2) Where a person to whom this law applies is unable to submit his declaration of assets and liabilities *via* the electronic automated asset declaration system, the appropriate authority shall submit such declaration to such system within two weeks of receipt.”

5. The following new section is hereby inserted immediately after Section 4 of the principal enactment and shall have effect as Section 4A of that enactment:-

Insertion of new Section 4A of the principal enactment

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- “Duty to
establish an
electronic
automated
asset
5 declaration
system
- 4A. (1) The Commission to Investigate
Allegations of Bribery or Corruption within
18 months of the coming into force of this Act
shall establish an electronic automated asset
declaration system, which will enable:
- (a) electronic submission of declarations
of assets and liabilities;
 - (b) submission of ad-hoc declarations
10 of assets and liabilities in
accordance with subsection (4) of
section 3;
 - (c) routine verification of declarations
for timeliness, accuracy and
completeness;
 - (d) verification based on suspicious
15 transactions detected by the
automated system;
 - (e) verification of complaints received;
and
 - (f) public access to submitted
20 declarations of assets and liabilities,
subject to redaction of bank account
numbers, title deed numbers, central
depository system numbers, fixed
25 deposit certificate numbers, bank
deposit box numbers or the
redaction of any other similar
information as may be prescribed by
the Minister.”.
- 30 (2) The filing of a declaration of assets and liabilities
with the appropriate authority through the automated asset
declaration system established under subsection (1) above,

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shall be deemed to have been submitted to the Commission to Investigate Allegations of Bribery or Corruption in addition to the respective appropriate authority as provided in section 4; and

5 (3) During the interim period, prior to establishing the electronic automated asset declaration system provided for in subsection (1) of section 4A declarations of assets and liabilities shall continue to be filed in the form in terms of subsection (1) of Section 3 of this Act.

10 **6.** Section 5 of the principal enactment is hereby amended as follows:- Amendment of Section 5 of the principal enactment (Power to refer to declaration of assets and liabilities)

(1) In subsection (2) by substitution for the words “Bribery Commissioner” of the words “the Commission to Investigate Allegations of Bribery or Corruption”;

15 (2) Immediately after subsection (2) by the insertion of the following which shall take effect as subsections (2A) and (2B) of ssection 5:-

20 (2A). The Commission to investigate allegations of Bribery or Corruption shall periodically analyse declarations of assets and liabilities and take such action as provided for by law.

25 (2B). All declaraions of assets and liabilities submitted in terms of section 3, shall be made public by the appropriate authority, on their respective official website, subject to the redaction of bank account numbers, title deed numbers, central dipository system numbers, fixed deposit certificate numbers, bank deposit box numbers and the redaction of any other such similar information as may be prescribed by the Minister, within two weeks of receipt of such
30 declaration. Where an official website is not in existence, copies of all declarations of assets and liabilities submitted as per section 3, shalll be made

6 *Declaration of Assets and Liabilities (Amendment)*

available, subject to the redactions as provided for above, by the appropriate authority free of charge on the appropriate authority's premises, for public access.

5 (3) In subsection (3), by the substitution for the words
"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
10 such declaration," of the words "on payment of a fee of two
hundred and fifty rupees to the appropriate authority, have
the right to obtain a certified copy of any declaration made
under section 3 of this Act subject to such redactions as
provided for in subsection 2B of this section".

15 (4) In subsection (3), by the substitution for the word
"subsection" of the word "section"; and

(5) In subsection (3), by the substitution for the words
"section 4" of the words "section 4 or section 4A".

20 **7.** Section 6 of the principal enactment is hereby amended
by substitution for the words "Bribery Commissioner" of
the words "the Commission to Investigate Allegations of
Bribery or Corruption".

Amendment
of Section 6
of the
principal
enactment
(Power of
Commission
to Investigate
Allegations
of Bribery or
Corruption to
call for
additional
Information)

8. Section 7 of the principal enactment is hereby amended
as follows:-

Amendment
of Section 7
of the
principal
enactment

25 (1) By the repeal of subsections (4) and (5); and

(2) In subsection (6), by the substitution for the words
"Bribery Commissioner" of the words "the Commission to
Investigate Allegations of Bribery or Corruption".

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9. Section 8 of the principal enactment is hereby repealed and the following new section is substituted therefor:-

Amendment
of Section 8
of the
principal
enactment

5 “Preservation
of secrecy by
redaction”

8. (1) Any public servant who has obtained access to a received declaration of assets and liabilities pursuant to subsection (4) of section 3, section 4 or section 4A, shall ensure that when such declaration is provided to any other person, such public servant shall have redacted all references to bank account numbers, title deed numbers, central depository system numbers, fixed deposit certificate numbers, bank deposit box numbers, and any other such information which is required to be redacted as may be prescribed by the Minister:

15

Provided that such public servant shall not be obliged to redact information from copies of declarations being provided to the Commission to Investigate Allegations of Bribery or Corruption, or for the purpose of any criminal investigation to any law enforcement authority.

20

(2) Any public servant 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 hundred thousand rupees or to a term of imprisonment of either description not exceeding two years or to both such fine and imprisonment.

25

30

In this section “public servant” means any person employed by an appropriate authority to whom that declaration of assets and liabilities has been made under subsection (4) of section 3, section 4 or section 4A.”

8 *Declaration of Assets and Liabilities (Amendment)*

10. Section 9 of the principal enactment is hereby amended as follows:-

Amendment
of Section 9
of the
principal
enactment

(1) In paragraph (c) of subsection (1) by the substitution for the words “Bribery Commissioner” of the words “the Commission to Investigate Allegations of Bribery or Corruption”;

(2) In subsection (1) by the substitution for the words “one thousand rupees” of the words “five hundred thousand rupees”;

(3) Immediately after subsection (1) by the insertion of the following which shall take effect as subsection (1A) of section 9:-

“(1A) For the purposes of any prosecution under paragraph (bb) of subsection (1), it shall be presumed, until the contrary is proved by the person, that such undeclared asset or liability was willfully omitted from such declaration.”

(4) In subsection (3) by the substitution for the words “one thousand rupees” of the words “five hundred thousand rupees”;

(5) In subsection (3) by the substitution for the words “fifty rupees” of the words “fifty thousand rupees”; and

(6) In subsection (5) by the substitution for the words “with the prior sanction of the Attorney-General” of the words “by the Commission to Investigate Allegations of Bribery or Corruption or with the prior sanction of the Commission to Investigate Allegations of Bribery or Corruption”.

11. Section 9A of the principal enactment is hereby amended as follows:-

Amendment
of Section 9A
of the
principal
enactment

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(1) In paragraph (b), by the substitution for the words “the Attorney-General” of the words “the Commission to Investigate Allegations of Bribery or Corruption”; and

5 (2) In paragraph (g), by the substitution for the words “the Attorney-General” of the words “the Commission to Investigate Allegations of Bribery or Corruption”.

12. Section 10A of the principal enactment is hereby repealed. Repeal of Section 10A of the principal enactment

10 **13.** Section 11 of the principal enactment is hereby amended, by the substitution for the words “the provisions of this Law shall prevail” of the words “with the exception of the Right to Information Act, No.12 of 2016, the provisions of this Law shall prevail”. Replacement of Section 11 of the principal enactment (This Law to prevail over other laws, save the Right to Information Act, No. 12 of 2016)

15 **14.** Section 12 of the principal enactment is hereby amended as follows:- Amendment of Section 12 of the principal enactment

(1) In the definition of “Assets and Liabilities” by the substitution for the words “in whole or in part” of the words “in whole or in part or held by the declarant in bank accounts or in any form”;

20 (2) In the definition of “Local Authority”, by the omission of the words “or development councils”.

15. 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

