

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

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;
- (g) Making consequential amendments to the Act.

**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:-

[Date..., 2022]

1. This Act may be cited as the Declaration of Assets and Liabilities (Amendment) Act, No... of 2022. Short title.

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 paragraph (a) thereof of the new paragraph:-

“(aa) The President;”

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

(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);

(5) In paragraph (de), by substitution for the words “the Companies Act, No. 17 of 1982” of the words “the Companies Act, No. 07 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
“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 s. 4A, such
declaration shall be deemed/considered to have been duly
submitted for the purposes of this section.

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

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

“(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.

(1) By numbering the existing provisions of section 4, as sub-
section (1) of section 4;

(2) In subparagraph (ii) of paragraph (a) thereof, by the
substitution for the words “and Deputy Ministers” of the
words “who are Members of the Cabinet of Ministers,
Ministers who are not Members of the Cabinet of Ministers,
and Deputy Ministers”;

(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;”

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

(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.

(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. 07 of 2007”;

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

“(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 in the principal enactment.

“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:

Duty to establish an electronic automated asset declaration system.

(a) electronic submission of declarations of assets and liabilities.

(b) submission of ad-hoc declarations 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 transactions detected by the automated system.
- (e) verification of complaints received.
- (f) public access to submitted declarations of assets and liabilities, subject to redaction of bank account numbers, title deed numbers, central depository system numbers, fixed deposit certificate numbers, bank deposit box numbers or the redaction of any other similar information as may be prescribed by the Minister.

(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, 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.

(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.

6. Section 5 of the principal enactment is hereby amended as follows:-

Amendment of
Section 5 the
principal
enactment.

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

(2) Immediately after subsection 2, by the insertion of the following which shall take effect as sub-sections (2A) and (2B) of section 5:-

(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.

(2B) All declarations of assets and liabilities submitted in terms of 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 depository 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 declaration. Where an official website is not in existence, copies of all declarations of assets and liabilities submitted as per Section 3, shall be made 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.

Power to refer to declaration of assets and liabilities.

(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 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”.

(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”.

7. Section 6 of the principal enactment is hereby amended by substitution for the words “Bribery Commissioner” of the words “the

Amendment of Section 6 the principal

Commission to Investigate Allegations of Bribery or Corruption”.

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 the principal enactment.

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

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

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.

“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.

Preservation of secrecy by redaction.

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.

(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.

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.”.

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 sub-section (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”;

(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:-

(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”.

(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.

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.

14. Section 12 of the principal enactment is 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”;

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