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EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

CF 1/64.

THE PUBLIC SECURITY ORDINANCE (CHAPTER 40)

REGULATIONS made by the President under Section 5 of the Public Security Ordinance (Chapter 40).

MAHINDA RAJAPAKSA,
President.

Colombo,
08th June, 2006.

Regulation

The Emergency (Miscellaneous Provisions and Powers) Regulation, No. 1 of 2005 published in Gazette Extraordinary No. 1405/14 of August 13, 2005 and deemed to be in force by virtue of Section 2A of the Public Security Ordinance, and amended from time to time, is hereby further amended by the insertion immediately after regulation 53 of that regulation of the following regulations :-

54. Where a police officer or member of the armed forces has reason to believe that the death of any person may have been caused as a result of any action taken in the course of duty either by him or by any subordinate officer as the case may be, or where any person dies in police custody or military custody, the Superintendent of Police in charge of the division to which such police officer is attached or in the case of a member of the armed forces the Commanding Officer of the Unit to which he belongs, shall, notwithstanding anything to the contrary to Chapter XXX and Section 9 of Code of Criminal Procedure Act, No. 15 of 1979 or the provisions of any other written law for the time being in force, report the facts relating to such death to the Inspector - General of Police or the nearest Deputy Inspector - General of Police.

“Death of any person due to action of or in custody of any police officer or member of the armed forces.

55. Upon receipt of the information under regulation 54, the Inspector - General of Police or the Deputy Inspector- General of Police as the case may be, shall -

Police officer to make report and record statement &c.,

- (a) direct and officer not below the rank of an Assistant Superintendent of Police to proceed to the scene of the incident and-
 - (i) record his observations ;
 - (ii) take charge of any probable productions ; and
 - (iii) record the statements of any persons, who in his opinion, appear to be acquainted with the circumstances relating to such death ; and
- (b) in any case where the body is found, forthwith report such fact to the Magistrate.

Conducting of post-mortem and burial or cremation of dead bodies.

56. (1) The Magistrate shall, upon receipt of the report of the facts by the Inspector-General of Police, or the Deputy Inspector-General of Police as the case may be under regulation 55 ;

- (a) direct a Government Medical Officer to forthwith hold a post-mortem examination of such body and may direct that the dead body if it has already been buried, be disinterred ; and
- (b) make an order that at the conclusion of the post-mortem examination that the dead body be handed over to the Deputy Inspector-General of Police for disposal.

(2) The Deputy Inspector-General of Police to whom the body is handed over the dead body to any relations who may claim the dead body, subject to such conditions or restrictions as he may deem necessary in the interest of national security or for the maintenance or preservation of public order :

Provided, however, that the Deputy Inspector-General of Police may in the interest of national security or for the maintenance or preservation of public order, authorize the taking possession of and effecting the burial or cremation of the dead body in accordance with such steps as he may deem necessary in the circumstances.

High Court to inquire into death of any person upon application made to it by the Inspector - General of Police.

57. (1) The High Court holden in Colombo shall notwithstanding anything to the contrary contained in any written law have exclusive jurisdiction to inquire into the death of any person in any part of the island or within its territorial water, caused or purported to have caused in the circumstances specified in regulation 54.

(2) The Judge of the High Court holden in Colombo shall upon application being made to such Court by the Inspector-General of Police hold an inquiry into the cause of death of the person named as deceased in such application.

(3) Where any proceedings are pending in any Magistrate's Court in respect of the death of such person named as deceased in an application under paragraph (2) of this regulation, all such proceedings pending in the Magistrate's Court on the date of such application shall stand transferred to High Court.

(4) The Judge of the Court may hold such inquiry or part of such inquiry in any part of Sri Lanka having regard to the interest of national security and preservation of public order.

(5) The Government Medical Officer conducting the post-mortem examination shall forward his report to the Judge of the said High Court and shall not disclose any thing contained therein to any person unless authorized to do so by the High Court.

(6) The Inspector-General of Police shall forward to the judge of the High Court the report of the preliminary observations and any other documents as may be necessary for the purpose of conducting the inquiry.

(7) The Judge of the High Court shall record such evidence as may be placed before him by the Inspector-General of Police or other officer authorized by him in that behalf and the evidence of any other person who appears to be acquainted with the circumstances relating to the death under inquiry.

(8) The proceedings before the High Court shall not be open to the public and only such reports of the proceedings or part thereof as is authorized by the Competent Authority, shall be published :

Provided, however, that the Court or a Appeal may on application made to in that behalf direct that the proceedings or any part thereof, shall be open to the public.

(9) At the conclusion of the inquiry the Judge of the High Court shall transmit the record of evidence and a report of the circumstances under which the death was caused together with any other documents to the Attorney-General.

58. Upon receipt of the record of evidence and other documents transmitted to him under paragraph (9) of regulation 57, it shall be lawful for the Attorney-General.

Power of
Attorney -
General.

(a) to call for any further material or information as he may require ;

(b) if he is satisfied that the commission of any offences has been disclosed.

(i) direct the institution of proceedings under Chapter XIV or XV of the Code of Criminal Procedure Act, No. 15 of 1979 ; or

(ii) proceed under the provision of subsection (7) of Section 393 of the Code of Criminal Procedure Act, No. 15 of 1979”.

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