



අමාත්‍ය මණ්ඩල කාර්යාලය
அமைச்சரவை அலுவலகம்
OFFICE OF THE CABINET OF MINISTERS

CABINET DECISION

අමාත්‍ය මණ්ඩල තීරණය

அமைச்சரவைத் தீர்மானம்

මගේ අංකය: අමප/21/2121/310/019

2022 ජනවාරි මස 11 දින.

පිටපත්:

ජනාධිපති ලේකම්.
අග්‍රාමාත්‍ය ලේකම්.
මුදල් අමාත්‍යාංශයේ ලේකම්.
විගණකාධිපති.

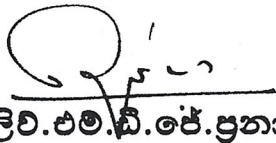
ක්‍රියා කළ යුතු:

අමාත්‍ය මණ්ඩලයේ ලේකම්.
විදේශ අමාත්‍යාංශයේ ලේකම්.

1979 අංක 48 දරන ත්‍රස්තවාදය වැළැක්වීමේ
(තාවකාලික විධිවිධාන) පනත සඳහා සංශෝධන

(විදේශ ගරු ඇමතිතුමා ඉදිරිපත් කළ 2021-12-03 දිනැති සංදේශය)

2022 ජනවාරි මස 03 දින පැවැත්වුණු අමාත්‍ය මණ්ඩල රැස්වීමේදී එළඹී
තීරණයක් අවශ්‍ය කටයුතු සඳහා මේ සමඟ එවා ඇත.


ඩබ්ලිව්.එම්.ඩී.ජේ.ප්‍රනාන්දු
අමාත්‍ය මණ්ඩලයේ ලේකම්.

32. අමාත්‍ය මණ්ඩල පත්‍රිකා අංක 21/2121/310/019 වූ, “1979 අංක 48
දරන ත්‍රස්තවාදය වැළැක්වීමේ (තාවකාලික විධිවිධාන) පනත සඳහා
සංශෝධන” යන මාගෙන් විදේශ ඇමතිතුමා ඉදිරිපත් කළ
2021-12-03 දිනැති සංදේශය - (අමප අංක 21/1098/303/082
පිළිබඳව වූ 2021-06-21 දිනැති අමාත්‍ය මණ්ඩල තීරණයට අදාළව)
විදේශ ඇමතිතුමා පැමිණ සිටින රැස්වීමකදී සාකච්ඡාවට ගැනීමට
හැකිවනු පිණිස, මිලඟ රැස්වීමට කල් තබන ලදී.

ක්‍රියා කළ යුතු: අමාත්‍ය මණ්ඩලයේ ලේකම්
විදේශ අමාත්‍යාංශය

පිටපත: මුදල් අමාත්‍යාංශය

32. Cabinet Paper No.21/2121/310/019, a Memorandum dated 2021-12-03 by the Foreign Minister on "**Amendments to the Prevention of Terrorism (Temporary Provisions) Act, No.48 of 1979**" - (Cabinet decision dated 2021-06-21 on CP No.21/1098/303/082 refers) was deferred for the next meeting, to be taken up for consideration when the Foreign Minister is present.

Action by: **Secretary to the Cabinet**
Foreign Ministry

Copied to: **My/Finance**

Checked by : 1.....✓.....
2.....fals.....



FOREIGN MINISTRY
CABINET MEMORANDUM

32

අමාත්‍ය මණ්ඩලීය සංදේශ අංක: FM/A4/21/CM 23

1979 අංක 48 දරන ත්‍රස්තවාදය වැළැක්වීමේ (තාවකාලික විධිවිධාන) පනත සඳහා
සංශෝධන

1. පසුබිම

- 1.1. ත්‍රස්තවාදය යනු වෙනස්වන සුළු හා වර්ධනය වෙමින් පවතින තර්ජනයකි. පුරවැසියන්ගේ අයිතිවාසිකම් සහ නිදහස ආරක්ෂා කරන අතරතුර දී ජාතික ආරක්ෂාව තහවුරු කිරීම සම්බන්ධයෙන් රජයට අතිමහත් සහ සංකීර්ණ වගකීමක් ඇත.
 - 1.2. තාවකාලික පියවරක් ලෙස 1979 දී පනවන ලද ත්‍රස්තවාදය වැළැක්වීමේ පනත, පුරවැසියන් ආරක්ෂා කිරීම සහ අපරාධකරුවන්ට නඩු පැවරීම සඳහා අපගේ නියෝජිතයන්ගෙන් මහ පොත්වීමට ප්‍රධාන වශයෙන් දායක වී ඇත. කෙසේ වෙතත්, ශ්‍රී ලංකාවේ ත්‍රස්ත විරෝධී නීති සම්පාදනය පිළිබඳ ආරම්භක ස්ථානය වන මෙම දශක හතරක් පැරණි නීතිය, ත්‍රස්තවාදී ක්ෂේත්‍රයේ හෝ මානව හිමිකම් බැඳීම් ක්ෂේත්‍රයේ ප්‍රවණතා හා සමාන වේගයෙන් ඉදිරියට ගමන් කොට නොමැත.
 - 1.3. ඒ අනුව, 1979 අංක 48 දරන ත්‍රස්තවාදය වැළැක්වීමේ (තාවකාලික විධිවිධාන) පනත නැවත විමර්ශනය කිරීම සඳහා අමාත්‍ය මණ්ඩලීය අනුකමිටුවක් පත් කිරීම සඳහා අංක MOD/CP/PAC/106/2021 දරන හා 2021.06.18 දිනැති ඒකාබද්ධ අමාත්‍ය මණ්ඩලීය සංදේශයක් අතිගරු ජනාධිපති හා ආරක්ෂක අමාත්‍යවරයා, විදේශ අමාත්‍යවරයා සහ අධිකරණ අමාත්‍යවරයා විසින් ඉදිරිපත් කරන ලදී.
 - 1.4. පසුව, ඉහත සඳහන් කළ ඒකාබද්ධ අමාත්‍ය මණ්ඩලීය සංදේශයට අනුව, අනෙකුත් කරුණු අතර,
 - අ. (1) පවතින ත්‍රස්තවාදය වැළැක්වීමේ පනත සංශෝධනය කරන්නේද නැතහොත් නව නීතියක් හඳුන්වා දෙන්නේද යන්න පිළිබඳ අමාත්‍ය මණ්ඩලයට නිර්දේශ ඉදිරිපත් කිරීම සඳහා අමාත්‍ය මණ්ඩලීය අනුකමිටුවක් පත් කිරීම
 - (2) ආරක්ෂක, විදේශ කටයුතු, අධිකරණ සහ මහජන ආරක්ෂාව යන අමාත්‍යාංශවල නියෝජිතයන්ගෙන් සමන්විත නිලධාරීන්ගේ කමිටුවක් පත් කිරීම
 සඳහා අතිගරු ජනාධිපතිතුමාට බලය පැවරීම සහ
 ආ. මාස තුනක් ඇතුළත නිර්දේශ සහිත වාර්තාව අමාත්‍ය මණ්ඩලය වෙත ඉදිරිපත් කිරීම සඳහා අමාත්‍ය මණ්ඩලීය අනුකමිටුවට බලය පැවරීම
- සඳහා අමාත්‍ය මණ්ඩලය විසින් 2021.6.21 දිනැති අනුමැතිය ලබා දෙන ලදී.

2. ක්‍රියාවලිය

- 2.1 අමාත්‍ය මණ්ඩලීය අනුමැතියෙන් අනතුරුව, ජනාධිපති ලේකම් විසින් 2021.06.24 දිනැති ලිපියක් මගින් ආරක්ෂක අමාත්‍යාංශයේ ලේකම්ගේ සභාපතිත්වයෙන් යුතුව අධිකරණ, මහජන ආරක්ෂාව සහ විදේශ කටයුතු යන අමාත්‍යාංශවල මෙන්ම, පොලීසිය, නීතිපති දෙපාර්තමේන්තුව, නීති කෙටුම්පත් සම්පාදක සහ ජාතික බුද්ධි ප්‍රධානී යන ආයතනවල නිලධාරීන්ගෙන් සමන්විත කමිටුවක් පත් කරන ලදී.
- 2.2 නිලධාරීන් කමිටුවේ සන්දර්භය තුළ විවිධ අමාත්‍යාංශ සහ නියෝජිතයකු අතර පුළුල් උපදේශන පවත්වන ලද අතර, එහිදී පොලීසියේ සහ ත්‍රිවිධ හමුදාවේ විවිධ ශාඛා ඇතුළුව, සාකච්ඡාවට අදාළ කරුණුවලට අදාළ අතිරේක ආයතනවලින් වැඩිදුර විශේෂඥ දැනුම කැඳවන ලදී.
- 2.3 මෙම නිලධාරී කමිටුවේ නිර්දේශ සමාලෝචනය කිරීම සඳහා 2021.10.07 දින අතිගරු ජනාධිපතිතුමා විසින් විදේශ අමාත්‍යවරයාගේ සභාපතිත්වයෙන් යුතුව අමාත්‍ය මණ්ඩලීය අනු කමිටුව පත් කරන ලදී.
- 2.4 නිලධාරීන්ගේ කමිටුවේ වාර්තාව 2021.11.15 වැනි දින ජනාධිපතිතුමා සහ අමාත්‍ය මණ්ඩලීය අනුකමිටු සාමාජිකයින් සහ ජනාධිපති ලේකම් වෙත ඉදිරිපත් කරන ලදී.
- 2.5 නිලධාරීන්ගේ කමිටුවේ යෝජනා සමාලෝචනය කිරීමෙන් අනතුරුව, අමාත්‍ය මණ්ඩලීය අනුකමිටුව තෝරාගත් පාර්ලිමේන්තු මන්ත්‍රීවරුන් සහ අනෙකුත් රාජ්‍ය ආයතන සහ විශේෂඥයින් සමඟ වැඩිදුර උපදේශන පැවැත්වීය. ත්‍රස්තවාදය වැළැක්වීමේ පනතට යෝජිත සංශෝධන සම්බන්ධයෙන් ශ්‍රී ලංකා නීති කොමිෂන් සභාව, ශ්‍රී ලංකා නීතිඥ සංගමය සහ සිවිල් සමාජ කණ්ඩායම් සමඟ ද අමාත්‍ය මණ්ඩලීය අනුකමිටුව සාකච්ඡා පැවැත්වීය. සලකා බැලීම සඳහා යෝජනා වාචිකව සහ ලිඛිත ඉදිරිපත් කිරීම් මගින් ලැබී ඇත.
- 2.6 මෙම ක්‍රියාවලිය අවසානයේ දී, ඇමුණුම 'අ' හි අනුයුක්ත කර ඇති පරිදි, අමාත්‍ය මණ්ඩලය වෙත ඉදිරිපත් කිරීමට නියමිත ත්‍රස්තවාදය වැළැක්වීමේ පනත සඳහා යෝජිත සංශෝධන, අමාත්‍ය මණ්ඩලීය අනුකමිටුව විසින් සකස් කොට අවසන් කොට ඇත.
- 2.7 ශ්‍රී ලංකාවේ ත්‍රස්ත විරෝධී නීති සම්පාදනයට දැනට රටේ පවතින අනෙකුත් නීති හා ජාත්‍යන්තර ප්‍රමිතීන් සහ විශිෂ්ට පරිචයන් ඇතුළත් වන බවට සහතික වීම පිණිස සහ ජාතික ආරක්ෂාව සුරක්ෂිත කිරීම සඳහා සමකාලීන හා විකාශනය වෙමින් පවතින ප්‍රවණතාවලට අනුකූලවීම සඳහා මූලික පියවරක් ලෙස මෙම නීතිය සංශෝධනයට ඉදිරිපත් කරනු ලැබේ.
- 2.8 අමාත්‍ය මණ්ඩලීය අනුකමිටුව විසින් මෙම යෝජිත සංශෝධන පිළිබඳව අතිගරු ජනාධිපතිතුමා හා ආරක්ෂක අමාත්‍යතුමා සමඟ සාකච්ඡා කොට ඇති අතර, එතුමාගේ පූර්ණ එකඟතාවය ඇතිව අනුමැතිය සඳහා අමාත්‍ය මණ්ඩලය වෙත ඉදිරිපත් කොට ඇත.

3. නිර්දේශය

ත්‍රස්තවාදය වැළැක්වීමේ පනත නැවත සලකා බැලීමේ අමාත්‍ය මණ්ඩලයීය අනුකමිටුවේ සභාපතිවරයා වශයෙන්,

- (අ) ඇමුණුම 'අ' හි අමුණා ඇති පරිදි, යෝජිත සංශෝධන ඇතුළත් කරමින්, ත්‍රස්තවාදය වැළැක්වීමේ පනත සංශෝධනය කිරීම සඳහා පනත් කෙටුම්පත සකස් කිරීම සඳහා නීති කෙටුම්පත් සම්පාදකවරයාට උපදෙස් දීම
- (ආ) ත්‍රස්තවාදය වැළැක්වීමේ පනත සංශෝධනය කිරීමේ පනත් කෙටුම්පත අනුමැතිය සඳහා පාර්ලිමේන්තුව හමුවේ තැබීම

සඳහා අමාත්‍ය මණ්ඩලයීය අනුමැතිය අපේක්ෂා කරමි.

අත්.කළේ: මහාචාර්ය ඩී.එල්. පීරිස්, පා.ම.

විදේශ අමාත්‍ය

2021 දෙසැම්බර් 03



FOREIGN MINISTRY
CABINET MEMORANDUM

Cabinet Memorandum No: FM/A4/21/CM/23

Amendments to the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979

1. Background

- 1.1 Terrorism is a dynamic, evolving threat. The Government has a paramount and complex obligation in ensuring national security, while protecting the rights and freedoms of citizens.
- 1.2 The PTA, enacted in 1979 as a temporary measure, has been instrumental in guiding our agencies in protecting citizens and prosecuting perpetrators. However, this four-decade old legislation which is the cornerstone of Sri Lanka's counter terrorism legislation, has not kept pace with the developments in the sphere of terrorism, nor the sphere of human rights obligations.
- 1.3 Accordingly, a Joint Cabinet Memorandum MOD/CP/PAC/106/2021 dated 18.06.2021 was submitted by HE the President and Minister of Defence, Foreign Minister and Minister of Justice, titled *Appointment of a Cabinet Sub Committee to revisit the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979*.
- 1.4 Subsequently, approval was granted by the Cabinet of Ministers dated 21.6.2021, pursuant to the aforementioned Joint Cabinet Memorandum, inter alia,
 - a. Authorizing HE the President to:
 - (1) Appoint a Cabinet Sub-Committee to recommend to the Cabinet of Ministers whether to amend the existing PTA or to introduce a new law
 - (2) Appoint an officials' committee comprising representatives of the Ministries of Defence, Foreign Affairs, Justice and Public Security
 - b. Authorizing the Cabinet Sub Committee to submit its report with recommendation to the Cabinet of Ministers within three months

2. Process

- 2.1 Following the Cabinet approval, Secretary to the President appointed an Officials' Committee by letter dated 24.6.2021, chaired by Secretary to the Ministry of Defence, and officials from the Ministries of Justice, Public Security and Foreign Affairs, as well as Police, AG's Department, Legal Draftsman and the Chief of National Intelligence.
- 2.2 Extensive consultations were conducted among different Ministries and agencies in the context of the Officials Committee, where further expertise was called from additional institutions relating to the matters of discussion, including different branches of the Police and Tri-Forces.
- 2.3 The Cabinet Sub Committee was appointed by HE the President on 07.10.2021 chaired by the Foreign Minister to review the recommendations of the Officials Committee.
- 2.4 The report of the Officials' Committee was submitted to the President and the members of the Cabinet Sub-Committee and Secretary to the President on 15.11.2021.
- 2.5 Having reviewed the proposals of the Officials' Committee, the Cabinet Sub Committee conducted further consultations with selected Parliamentarians and other government agencies and experts. The Cabinet Sub Committee also conducted discussions on the proposed amendments to the PTA with the Law Commission of Sri Lanka, Bar Association of Sri Lanka and civil society groups. Proposals were received for consideration verbally and through written submissions.
- 2.6 At the conclusion of this process, the Cabinet Sub Committee has finalized the proposed amendments to the PTA to be submitted to the Cabinet attached at **Annex A**.
- 2.7 These amendments are presented as an initial step in amending this law, to bring it in line with contemporary and evolving developments in order to safeguard national security, and to bring the PTA in line with other laws of the country as well as to ensure that Sri Lanka's counter terrorism legislation incorporates international standards and best practices.

- 2.8 The Cabinet Sub Committee has discussed these proposed amendments with HE the President and Minister of Defence, and are submitted to Cabinet for approval with his full concurrence.

3. Recommendation

In my capacity as the Chair of the Cabinet Sub Committee to Revisit the PTA, the approval of the Cabinet of Ministers is sought to:

- (a) direct the Legal Draftsman to prepare the Bill to amend the PTA, incorporating the proposed amendments, as attached at **Annex A**;
- (b) place the Bill amending the PTA before Parliament for approval.


Prof. G L Peiris M.P
Foreign Minister

03rd December 2021

**AN ACT TO AMEND THE PREVENTION OF TERRORISM
(TEMPORARY PROVISIONS) ACT, NO.48 of 1979**

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

Short title 1. This Act may be cited as the Prevention of Terrorism (Temporary Provisions) (Amendment) Act, No. of 2021.

Amendment of section 9 of Act, No.48 of 1979 2. Section 9 of the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979 (hereinafter referred to as the "principal enactment") is hereby amended in the proviso to subsection (1) thereof, by the substitution for the words "eighteen months." of the words "twelve months."

Insertion of sections 9A and 9B in the principal enactment 3. The following new sections are hereby inserted immediately after section 9 of the principal enactment and shall have effect as sections 9A and 9B of that enactment:

"Certified copy of the detention order to be served on the Magistrate

9A. (1) A certified copy of the order made under section 9 shall be made available within a reasonable period to the Magistrate within whose judicial division the place of detention of the person in respect of whom such order relates is situated, for the Magistrate to visit such place of detention, in terms of section 9B.

(2) The detention of any person under section 9 shall be communicated to the Human Rights Commission of Sri Lanka in terms of section 28 of the Human Rights Commission of Sri Lanka Act, No. 21 of 1996, for the persons authorized by the Human Rights Commission of Sri Lanka to visit the place of detention in terms of that Act.

Duty of the Magistrate to visit place of detention

9B. (1) It shall be the duty of every Magistrate who has received a certified copy of a detention order in terms of subsection (1) of section 9A, to visit the place

of detention of the person to whom the order relates (in this section referred to as the "suspect") at least once in every month during the period of detention, to ensure that the suspect is protected to the extent provided for in the Convention Against Torture and other Cruel, Inhumane or degrading Treatment or Punishment Act, No.22 of 1994.

(2) For the purpose of subsection (1), the Magistrate who visits any place of detention, shall –

(a) personally see the suspect, and look into his wellbeing, welfare and conditions under which he is kept at such place of detention;

(b) record the observations of the suspect and any complaint the suspect may make;

(3) Where the Magistrate is of the opinion, that the suspect may have been subjected to torture, the Magistrate may direct that the suspect be produced before a Judicial Medical Officer for medical examination, and a report be submitted by such Judicial Medical Officer to the Magistrate.

(4) Where the report of such Judicial Medical Officer reveals that the suspect has been subjected to torture, the Magistrate shall make an appropriate order, to provide necessary medical treatment to the suspect.

(5) The Magistrate may also direct the Inspector General of Police to commence an investigation into the alleged torture in order to enable the Attorney-General to institute criminal proceedings against the person who is alleged to have committed the torture.”.

Replacement
of section 10
of the
principal
enactment

4. Section 10 of the principal enactment is hereby repealed and the following section is substituted therefor:-

"Order under section 9 to be final

10. An order made under section 9 shall be final and shall not be called in question in any proceedings or in any court of law, save and except in proceedings under Article 126 or 140 of the Constitution."

Insertion of sections 10A in the principal enactment

5. The following new section is hereby inserted immediately after section 10 of the principal enactment and shall have effect as sections 10A of that enactment: -

"An attorney-at-law and the relatives to have access to a person in remand or in detention

10A. (1) An Attorney-at-Law representing a person remanded or detained under this Act, shall have the right of access to such person and to make representations on behalf of such person, subject to such conditions as may be prescribed by regulations made under this Act or as provided for in other written law.

(2) A person remanded or detained under this Act shall have the right to communicate with his relatives, as provided for in written law."

Amendment of section 11 of the principal enactment

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

(1) by the insertion immediately after subsection (1) thereof, of the following subsections:-

"(1A) The person to whom an order made under subsection (1) relates, shall be produced before a Judicial Medical Officer for medical examination before serving such order to such person and a report be submitted by the Judicial Medical Officer in respect of such person.

(1B) An order made under subsection (1) shall be served on the person to whom the order relates, by the Magistrate in whose judicial division such person resides and the report of the Judicial Medical Officer referred to in subsection (1A) shall be produced before the Magistrate to ensure that such person has not been subjected to torture before serving such order on such person.

(1C) Where the report issued by the Judicial Medical Officer under subsection (1A) reveals that such person has been subjected to torture, the Magistrate shall make an appropriate order to provide necessary medical treatment to such person.

(1D) The Magistrate may also direct the Inspector General of Police to commence an investigation into the alleged torture in order to enable the Attorney-General to institute criminal proceedings against the person who is alleged to have committed the torture.”.

(2) in the proviso to subsection (3) thereof, by the substitution for the words “eighteen months.” of the words “twelve months.”;

(3) by the repeal of subsection (5) thereof and the substitution therefor of the following subsection:-

“(5) An order made by the Minister under subsection (1) shall be final and shall not be called in question in any proceedings or in any court of law, save and except in proceedings under Article 126 and 140 of the Constitution.”.

Repeal of
section 14 of
the principal
enactment

7. Section 14 of the principal enactment is hereby repealed.

Amendment
of section 15
of the
principal
enactment

8. Section 15 of the principal enactment is hereby amended by the addition immediately after subsection (2) thereof, of the following new subsection:-

“(3) Every trial under this Act shall be held on a day to day basis, unless in the opinion of the court exceptional circumstances warrant postponement of the commencement or continuation of trial, for reasons which shall be recorded by court.”.

Amendment
of section
15A of the
principal
enactment

9. Section 15A of the principal enactment is hereby amended by the substitution for the words and figure “section 19(a)”, of the words and figure “section 19”.

Insertion of
new section
15B in the
principal
enactment

***10. The following new section is hereby inserted immediately after section 15A of the principal enactment and shall have effect as sections 15B of that enactment: -**

**"Grant of bail
to persons in
remand or in
detention**

15B. Notwithstanding anything to the contrary in the provisions of this Act, if the trial against a person remanded or detained under this Act has not commenced after the expiration of twelve months, from the date of arrest, the Court of Appeal may release such person on bail, upon an application in that behalf, made by the suspect or an attorney at law on his behalf:

Provided however, the preceding provisions of this section shall not preclude the High Court from making an order to remand any person under subsection (2) of section 15, until conclusion of the trial:

Provided further, where the trial against an accused in respect of whom the indictment has been forwarded and filed in the High Court, has not commenced after the expiration of twelve months from the date of such filing, the High Court may consider to release such person on bail, upon an application in that behalf made by the accused or an attorney at law on his behalf."

Amendment
of section 19
of the
principal
enactment

11. Section 19 of the principal enactment is hereby repealed and the following section is substituted therefor:-

**"Provisions of
any written law
relating to the
grant of bail not
apply to persons
accused of any
offence under
this Act**

19. Notwithstanding the provisions of any other written law, every person convicted by any court of any offence under this Act shall, notwithstanding that he has lodged a petition of appeal against his conviction or the sentence imposed on him, be kept on remand until the determination of the appeal :

Provided however, that the Court of Appeal may in exceptional circumstances release on bail any such person subject to such conditions as the Court of Appeal may deem fit .”.

Replacement
of section 26
of the
principal
enactment

12. Section 26 of the principal enactment is hereby repealed and the following section is substituted therefor:-

“Protection of
officers & c.

26. (1) An order made or direction given under this Act may be questioned in proceedings under Article 126 or Article 140 of the Constitution.

(2) Subject to the provisions of subsection (1), no suit, prosecution or other proceeding, civil or criminal, shall lie against any officer or person for any act or thing in good faith done or purported to be done in pursuance or supposed pursuance of any order made or direction given under this Act.”.

Amendment
of section 31
of the
principal
enactment

13. Section 31 of the principal enactment is hereby amended as follows:-

(1) by the repeal of the definition of the expression “newspaper”;

(2) by the repeal of the definition of the expression “printing press”;
and

(3) by the insertion immediately after the definition “specified person” of the following definition:-

“torture” shall have the same meaning assigned to such expression under the Convention Against Torture and other Cruel, Inhumane or degrading Treatment or Punishment Act, No.22 of 1994;”.

Sinhala text
to prevail in
case of
inconsistency

14. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.



FOREIGN MINISTRY CABINET MEMORANDUM

அமைச்சரவைப் பத்திர இல:FM/4/21/CM/23

1979 இன் 48 ஆம் இலக்க பயங்கரவாத தடைச் சட்டத்தில் (தற்காலிக ஏற்பாடுகள்) திருத்தங்கள்

1. பின்னணி

- 1.1 பயங்கரவாதம் என்பது இயக்கவாற்றலுள்ள, வளர்ந்துவரும் அச்சுறுத்தலாகும். நாட்டு மக்களின் உரிமைகளையும் சுதந்திரத்தையும் பாதுகாக்கும் அதேவேளை, தேசிய பாதுகாப்பை உறுதிப்படுத்தும் முக்கியமானதும் சிக்கலானதுமான கடப்பாடு அரசாங்கத்திற்கு உண்டு.
- 1.2 1979 இல் ஒரு தற்காலிக நடவடிக்கையாக இயற்றப்பட்ட பயங்கரவாத தடைச் சட்டமானது, குடிமக்களைப் பாதுகாப்பதிலும் காரணமானவர்களைத் தண்டிப்பதிலும் எமது முகவரமைப்புக்களுக்கு வழிகாட்டுவதில் ஒரு கருவியாகவுள்ளது. ஆனபோதிலும், இலங்கையின் பயங்கரவாத எதிர்ப்புச் சட்டத்திற்கு அடிப்படையான நான்கு தசாப்தகால பழமையான இந்த சட்டவாக்கமானது, வளர்ந்துவரும் பயங்கரவாதம் அல்லது மனித உரிமைக் கடப்பாடுகளின் செயல் தளத்தின் மேம்பாடுகளின் வேகத்துடன் இணைந்ததாகப் பேணப்படவில்லை.
- 1.3 அதன்படி, '1979 இன் 48 ஆம் இலக்க பயங்கரவாத (தற்காலிக ஏற்பாடுகள்) தடைச் சட்டத்தை மீள்பரிசீலனை செய்வதற்கு ஒரு அமைச்சரவை உப குழுவினை நியமித்தல்' என்ற தலைப்பிட்ட, 18.06.2021 ஆம் திகதிய, MOD/CP/PAC/106/2021 என்ற இலக்க கூட்டு அமைச்சரவைப் பத்திரம் ஒன்று மேதகு ஜனாதிபதி, வெளிநாட்டமைச்சர், நீதி அமைச்சர் ஆகியோரிடம் சமர்ப்பிக்கப்பட்டது.
- 1.4 மேற்குறிப்பிட்ட கூட்டு அமைச்சரவைப் பத்திரம் சமர்ப்பிக்கப்பட்டதைத் தொடர்ந்து, 21.06.2021 ஆம் திகதி பின்வருவனவற்றிற்கும் சேர்த்து அமைச்சரவை அங்கீகாரம் வழங்கப்பட்டது;

அ. மேதகு ஜனாதிபதி பின்வருவனவற்றிற்கு அதிகாரமளித்தல்;

- i. ஏற்கனவேயுள்ள பயங்கரவாத தடைச் சட்டத்தை திருத்துவதா அல்லது புதிய சட்டம் ஒன்றை அறிமுகப்படுத்துவதா என்பதை அமைச்சரவைக்கு பரிந்துரைப்பதற்காக ஒரு அமைச்சரவை உப குழுவை நியமித்தல்
- ii. நீதி அமைச்சர், வெளிநாட்டு அமைச்சர், பாதுகாப்பு அமைச்சர் மற்றும் பொதுமக்கள் பாதுகாப்பு அமைச்சர் ஆகியவற்றிலிருந்து பிரதிநிதிகளை உள்ளடக்கிய ஒரு அதிகாரிகள் குழுவை நியமித்தல்

ஆ. அமைச்சரவை உப குழுவானது மூன்று மாதத்தினுள் பரிந்துரையுடன் தனது அறிக்கையைச் சமர்ப்பித்தலுக்கு அமைச்சரவைக்கு அதிகாரமளித்தல்.

2. செய்முறை

- 2.1 அமைச்சரவையின் அங்கீகாரத்தினைத் தொடர்ந்து, ஜனாதிபதியின் செயலாளர் 24.06.2021 ஆம் திகதிய கடிதத்தின் மூலம், பாதுகாப்பு அமைச்சின் செயலாளரைத் தலைவராகவும் நீதி, பொதுமக்கள் பாதுகாப்பு, வெளிநாட்டு அலுவல்கள் ஆகிய அமைச்சுக்களின் அதிகாரிகளுடன், பொலிஸ், சட்டமா அதிபர் திணைக்களம், சட்ட வரைஞர் மற்றும் தேசிய புலனாய்வு தலைவர் ஆகிய அதிகாரிகளைக் கொண்ட ஒரு குழுவை நியமித்தார்.
- 2.2 அதிகாரிகள் குழுவின் பின்னணியில், வெவ்வேறு அமைச்சுக்கள் மற்றும் முகவரமைப்புக்கள் மத்தியில் விரிவான ஆலோசனைகள் நடத்தப்பட்டன, அங்கு பொலிஸ் மற்றும் முப்படைகளின் வெவ்வேறு கிளைகள் உட்பட, மேலதிகமான நிறுவனங்களிடம் கலந்துரையாடி, விடயங்கள் தொடர்பான மேலும் நிபுணத்துவம் பெறப்பட்டது.
- 2.3 அதிகாரிகள் குழுவின் பரிந்துரைகளை மீளாய்வு செய்வதற்காக, வெளிநாட்டு அமைச்சரைத் தலைவராகக் கொண்ட அமைச்சரவை உப குழுவானது 07.10.2021 அன்று மேதகு ஜனாதிபதியால் நியமிக்கப்பட்டது.
- 2.4 அதிகாரிகள் குழுவின் அறிக்கையானது, 15.11.2021 அன்று, ஜனாதிபதி, ஜனாதிபதியின் செயலாளர் மற்றும் அமைச்சரவை உப குழுவின் உறுப்பினர் ஆகியோரிடம் சமர்ப்பிக்கப்பட்டது.
- 2.5 அதிகாரிகள் குழுவின் முன்மொழிவுகளை மீளாய்வு செய்த அமைச்சரவை உப குழுவானது, தெரிவுசெய்யப்பட்ட பாராளுமன்ற உறுப்பினர்கள், பிற அரசாங்க முகவரங்கள் மற்றும் நிபுணர்களிடம் மேற்கொண்டு ஆலோசனைகளை நடாத்தியது. பயங்கரவாத தடைச்சட்டத்திற்கென முன்மொழியப்பட்ட திருத்தங்கள் குறித்து அமைச்சரவை உப குழுவும் இலங்கை சட்ட ஆணைக்குழு, இலங்கை சட்டத்தரணிகள் சங்கம் மற்றும் சிவில் சமூக குழுக்களுடனும் ஆலோசனைகளை நடாத்தியது. பரிசீலிப்பதற்கான முன்மொழிவுகள், வாய்மூலமாகவும் எழுத்து மூலமான சமர்ப்பித்தல்கள் மூலமாகவும் பெறப்பட்டன.
- 2.6 இச்செய்முறையின் முடிவில், அமைச்சரவையில் இணைப்பு 'அ' ஆக இணைக்கப்பட்டு சமர்ப்பிக்கப்படவுள்ள பயங்கரவாத தடைச்சட்டத்தின் முன்மொழியப்பட்ட திருத்தங்களை, அமைச்சரவை உப குழு இறுதிப்படுத்தியுள்ளது.
- 2.7 இந்த சட்டத்தை திருத்துவதற்கான ஆரம்ப கட்டமாக இந்த திருத்தங்கள் முன்வைக்கப்படுகின்றன, இது தேசிய பாதுகாப்பை பாதுகாப்பதற்காக சமகால மற்றும் வளர்ந்து வரும் முன்னேற்றங்களுக்கேற்ப கொண்டு வருவதற்கும், நாட்டின் பிற சட்டங்களுக்கிணங்க பயங்கரவாத தடைச்சட்டத்தை கொண்டு வருவதற்குமாக, இலங்கையின் பயங்கரவாத எதிர்ப்புச் சட்டம் சர்வதேச தரநிலைகள் மற்றும் சிறந்த நடைமுறைகளை உள்ளடக்கியது.
- 2.8 அமைச்சரவை உப குழுவானது, முன்மொழியப்பட்ட இந்த திருத்தங்கள் குறித்து, மேதகு ஜனாதிபதி, பாதுகாப்பு அமைச்சர் ஆகியோரிடம் கலந்துரையாடி, அதன் முழு அங்கீகாரத்திற்காக அமைச்சரவையில் சமர்ப்பிக்கப்பட்டுள்ளது.

3. பரிந்துரை

பயங்கரவாத தடைச்சட்டத்தை மீளாய்வு செய்வதற்கான அமைச்சரவை உபகுழுவின் தலைவர் என்ற வகையில் பின்வருவனவற்றிற்கான அங்கீகாரம் கோரப்படுகிறது;

- அ) இணைப்பு 'அ' இல் முன்மொழியப்பட்ட திருத்தங்கள் ஒருங்கிணைத்தமைந்த, பயங்கரவாத தடைச்சட்டத்தை திருத்துவதற்கான சட்டமூலத்தை தயாரிப்பதற்கு, சட்ட வரைஞருக்கு உத்தரவிடுதல்
- ஆ) பயங்கரவாத தடைச்சட்டத்திருத்த சட்டமூலத்தை அங்கீகாரத்திற்காக பாராளுமன்றத்தில் முன்வைத்தல்.

(கையொப்பம்)

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