



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

**PENAL CODE (AMENDMENT)
ACT, No. 29 OF 1998**

[Certified on 4th June, 1998]

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Penal Code (Amendment) Act, No. 29 of 1998

[Certified on 4th June, 1998]

L. D.—O. 16/97.

AN ACT TO AMEND THE PENAL CODE

Be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

1. This Act may be cited as the Penal Code (Amendment) Act, No. 29 of 1998.

Short title.

2. Section 286A of the Penal Code (hereinafter referred to as the “principal enactment”) is hereby amended as follows :—

Amendment of section 286A of Chapter 19.

- (1) by the renumbering of subsection (2) of that section as subsection (4) of that section; and
- (2) by the insertion immediately after subsection (1) of that section, of the following new subsections:—

“(2) Any person who, being a developer of photographs or films, discovers that any photograph or film given to him for developing is an indecent or obscene photograph or a film of a child, shall, forthwith on such discovery, inform the officer in charge of the nearest police station that he has in his possession, such photograph or film.

(3) Whoever being a developer of photographs or films acts in contravention of the provisions of subsection (2) shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both.”.

3. The following new sections are hereby inserted immediately after section 287 and shall have effect as section 288, 288A, and 288B, respectively, of the principal enactment:—

Insertion of new sections 288, 288A, and 288B, in the principal enactment.

“Causing or procuring children to beg.

288.(1) Whoever causes or procures a child to be in any street, premises or place for the purposes of begging or receiving alms, or of inducing the giving of alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale or otherwise), shall on conviction be punished with imprisonment of either description for a term not exceeding five years and may also be liable to a fine.

(2) In this section “child” means a person under eighteen years of age.

Hiring or employing children to act as procurers for sexual intercourse.

288A (1) Whoever knowingly, hires, employs, persuades, uses, induces or coerces a child to procure any person for illicit sexual intercourse shall on conviction be punished with imprisonment of either description for a term not less than two years and not exceeding five years and may also be liable to a fine.

(2) In this section “child” means a person under eighteen years of age.

Hiring or employing children to traffic in restricted articles.

288B(1) Whoever knowingly, hires, employs, persuades, uses, induces or coerces a child to traffic in any restricted article shall on conviction be punished with imprisonment of either description for a term not less than five years and not exceeding seven years and may also be liable to a fine.

(2) In this section—

“child” means a person under eighteen years of age;

“restricted article” has the meaning assigned to it by the Poisons, Opium and Dangerous Drugs Ordinance (Chapter 218.);

“trafficking” includes selling, giving, procuring, storing, administering, transporting, sending, delivering or distributing.”.

4. Section 302 of the principal enactment is hereby repealed.

Repeal of section 302 of the principal enactment.

5. Section 360A of the principal enactment is hereby amended as follows :—

Amendment of section 360A of the principal enactment.

- (1) in subsection (5) of that section by the substitution for all the words from “to leave such person’s usual place of abode in Sri Lanka”, to the end of that paragraph, of the following :—

“to leave such persons usual place of abode in Sri Lanka with a view to illicit sexual intercourse within or out side Sri Lanka;”;

- (2) in subsection (6) of that section by the substitution for the words “in any brothel with a view to illicit sexual intercourse or sexual abuse”, of the words “in any premises with a view to illicit sexual intercourse or sexual abuse”.

6. Section 363 of the principal enactment is hereby amended by the repeal of paragraph (b) of that section and the substitution therefor of the following paragraph:—

Amendment of section 363 of the principal enactment.

“(b) with her consent, while she was in lawful or unlawful detention or when her consent has been obtained, by use of force or intimidation, or by threat of detention or by putting her in fear of death or hurt;”.

7. Section 365B of the principal enactment is hereby amended as follows :—

Amendment of section 365B of the principal enactment.

- (1) by the insertion immediately after paragraph (a) of that section, of the following new paragraph :—

“(aa) with or without the consent of the other person when the other person is under sixteen years of age;” and

- (2) by the repeal of paragraph (b) of that section and the substitution therefor of the following paragraph:—

“(b) with the consent of the other person while such other person was in lawful or unlawful detention or where that consent has been obtained, by use of force, or intimidation or threat of detention or by putting such other person in fear of death or hurt;”.

Sinhala text to prevail in case of inconsistency.

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

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