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பாராளுமன்றம்
PARLIAMENT

23.01.2024

Hon. Mahinda Yapa Abeywardena, MP
Speaker of Parliament

Committee Stage Amendments to the Online Safety Bill

As per standing Orders 57 to 66, following will be moved to amend the "Online Safety Bill" at the committee stage.

Page 01 - Delete line 16 to 18 (both inclusive) and substitute the following

Clause 03

- a) To protect persons against harm caused by communication of prohibited statements by way of online account or through an online location.
- b) To ensure protection from communication of statement in contempt of court or prejudicial to the maintenance of the authority and impartiality of the judiciary by way of online account or through an online location.

Page 02 - Delete line 01 to 10 (both inclusive)

Clause 03

Page 02 Delete line 23 and substitute the following

Clause 05

- 1) The Commission shall consist of five members nominated by the Constitutional Council and appointed by the President, from among The persons having qualifications and experience in one or more of the fields of information technology, law, governance, social services, journalism, science and technology or management.
- 2) Subject to the provisions of section 6, the Constitutional Council shall nominate the names of five persons to be appointed as members of the Commission under subsection(1), to the President for appointment.
- 3) The President shall, within a period of fourteen days of receiving nomination from the Constitutional Council, appoint the persons nominated by the Constitutional Council under sub section(2) as members of the commission.

- 4) In the event of the President failing to make the necessary appointments within the period of fourteen days as specified in subsection(3),the persons nominated by the Constitutional Council shall be deemed to have been appointed as the members of the Commission, with effect from the date of the expiry of such period”

Page 10 - **Delete line 19 to 28 (both inclusive)**
Clause 15

Page 12 - **Delete line 09 to 20 (both inclusive)**
Clause 19

Page 25 - **Delete line 07 to 30 (both inclusive) and substitute the following :-**

Clause 31

Subtitle – “Immunity from Intermediary Liability”

(1) Notwithstanding anything contained in this Act or in any other written law, and subject to the provisions of subsection (2), a person who engages in providing the following services shall not be subject any civil or criminal liability from any prohibited statement circulated through the online location owned, operated or controlled by such person, or for making available to the end users through such online location a communication link which contains any prohibited statement by any other party, which amounts to an offence under this Act or for any inauthentic online account or any direction of the Commission made under this Act or any compensation payable for any wrongful loss caused to any person by any prohibited statement or any other communication:-

- (a) an internet intermediary service;
- (b) Internet service provider;
- (c) digital advertising intermediary; or
- (d) a computer resource service.

(2) Immunity from liability granted under subsections (1) and (2) shall not apply, if such person –

- a) has created and originated the communication; or

has not complied with the code or practice formulated pursuant to Section 36 and adopted by way of rules under Section 53 of this Act

Page 35 - **Delete line 2 and 3 and substitute following**

Clause 36 “Industry Code of Practice”

Side note - Industry Code of Practice"

1. The Commission shall issue one or more codes of practice applicable to "internet intermediaries" and "Internet service providers" to deal with any of the following matters:
 - a) To address harmful online content and behaviour, including Hate speech, Incitement to violence, Misinformation, Disinformation, Cyberbullying and harassment and Online sexual exploitation and abuse
 - b) to detect, control and safeguard against coordinated inauthentic behaviour and any other misuse of online accounts;
 - c) To set operating standards and transparency reporting of proactive action taken to limit harmful content.
 - d) prescribed digital advertising intermediaries or prescribed types of digital advertising intermediaries; and
 - e) Prescribed internet intermediaries for the purpose of enhancing disclosure of the sponsor and other information concerning any paid content directed towards a political purpose, communicated in Sri Lanka.
 - f) time period to comply with any directive issued by the Commission under paragraph (c) of section 11

(3) The Commission shall issue a notification [by order published in a Gazette] providing an opportunity for "internet intermediaries" and "Internet service providers" to formulate an industry code of practice ("herein after referred to as the "Code of Practice") on a voluntary basis, within nine months from the date of operation prescribed in Section 1, sub-section (2) to deal with matters specified in sub-section (1) of this Section.

(3) In the event the "internet intermediaries" and "Internet service providers" are unable to formulate a code of practice on a voluntary basis, within nine months from the date specified under sub-section (2) or "internet intermediaries" and "Internet service providers" communicate their desire to the Commission to jointly formulate and agree to a code of practice together with the commission, then

Commission shall take steps to formulate the code of practice to deal with matters specified in sub-section (1) of this Section

- (4) Upon the Commission taking steps pursuant to sub-section (3) of this Section, it shall be the duty of the Commission to publish a draft code of practice in electronic form and seek comments, observations and recommendations from "internet intermediaries" and "Internet service providers", during a period not less than three months and take steps to reach concurrence and consensus from "internet intermediaries" and "Internet service providers" for the implementation of the draft code of practice.
- (5) Once the Commission has obtained comments, observations and recommendations on the draft code of practice and obtained concurrence and consensus from "internet intermediaries" and "Internet service providers for implementation of the draft code of practice pursuant to sub-section (4) of this Section, the Commission shall take steps to hold public consultations on the draft code of practice, prior to the issuance of the code of practice in accordance with Section 53.
- (6) It shall be an obligation on "internet intermediaries" and "Internet service providers" to comply with the code of practice formulated pursuant to this Section, upon the code of practice being published as a rule in the Gazette in accordance with Section 53.

Page 36 - Delete line 01 to 29(both inclusive)

Clause 36

Page 37 - Delete line 01 to 32(both inclusive)

Clause 36

Page 38 - Delete line 01 to 14(both inclusive)

Clause 36



Chandima Weerakkody
Member of Parliament