



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

**REGISTRATION OF PERSONS
(AMENDMENT) ACT, No. 8 OF 2016**

[Certified on 07th July, 2016]

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Registration of Persons (Amendment)
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L.D.—O. 33/2013

AN ACT TO AMEND THE REGISTRATION OF PERSONS
ACT, No. 32 OF 1968

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

1. This Act may be cited as the Registration of Persons (Amendment) Act, No. 8 of 2016. Short title.

2. The Long Title of the Registration of Persons Act, No.32 of 1968 (hereinafter referred to as the “principal enactment”) is hereby repealed and the following Long Title substituted therefor:- Replacement of the Long Title to the Registration of Persons Act, No.32 of 1968.

“AN ACT TO PROVIDE FOR THE REGISTRATION OF ALL CITIZENS OF SRI LANKA; FOR THE ISSUE OF NATIONAL IDENTITY CARDS TO THE ELIGIBLE CITIZENS SO REGISTERED, AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.”

3. (1) In the principal enactment and in any other written law, there shall be substituted – “Commissioner for the Registration of Persons”,
“Register of Persons”, “Identity Cards” and “three copies of the photograph or a photograph” to be known as
“Commissioner-General for the Registration of Persons”,
“National Register of Persons” ,
“National Identity Cards” and
“photographs”.

(a) for the words “Commissioner for the Registration of Persons”, the words “Commissioner-General for the Registration of Persons”;

(b) for the words “Register of Persons”, the words “National Register of Persons”;

(c) for the words “identity cards”, the words “national identity cards”; and

(d) for the words “three copies of the photograph or a photograph”, the word “photographs”.

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(2) Every reference to the “Commissioner for the Registration of Persons”, “Register of Persons”, “Identity Cards” and “three copies of the photograph or a photograph” in any notice, notification or other document shall be read and construed as a reference respectively to the “Commissioner-General for the Registration of Persons”, “National Register of Persons”, “National Identity Cards” and “photographs”.

(3) Every reference to the “Commissioner” in sections 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 33, 36A, 37, 38, 39, 40, 41, 42, 43, 47, 51 and 55 in the principal enactment shall be read and construed as a reference to “the Commissioner-General for the Registration of Persons”.

Insertion of new Part 1A in the principal enactment.

4. The following new part is hereby inserted immediately after section 1 and shall have effect as Part 1A of the principal enactment:-

“PART 1 A

PRELIMINARY”

Replacement of section 2 of the principal enactment.

5. Section 2 of the principal enactment is hereby repealed and the following section is substituted therefor:-

“Persons liable to registration.

2. (1) From the date of commencement of this Act, every person who is a citizen of Sri Lanka and who has attained or attains the age of fifteen years shall be liable to registration under this Act.

(2) A person liable to registration shall, apply for such registration under this Act -

(a) for the purposes of section 6; and

(b) for the issue of a National Identity Card,

within a prescribed period.

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6. Part I of the principal enactment is hereby amended by the substitution for the words “Part I”, of the following words:-

Amendment of Part I of the principal enactment.

“PART 1 B”

7. Section 3 of the principal enactment is hereby amended by the insertion immediately after paragraph (a) of the following new paragraphs:-

Amendment of the section 3 of the principal enactment.

“(aa) a person by name or by office, to be or to act as the Additional Commissioner-General for the Registration of Persons;

(aaa) a person, or two or more persons by name or by office, to be or to act as a Commissioner;”.

8. Section 4 of the principal enactment is hereby amended by the repeal of paragraph (b) thereof, and the substitution therefor of the following paragraph:-

Amendment of section 4 of the principal enactment.

“(b) the Additional Commissioner-General, any Commissioner, any Deputy Commissioner, any Assistant Commissioner, any Certifying Officer and any Registration Officer shall be subject to the general or special directions of the Commissioner General.”.

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

Amendment of section 5 of the principal enactment.

(1) by the repeal of subsection (1) of that section and the substitution therefor, of the following subsection:-

“(1) The Commissioner-General may, either generally or specially authorize the Additional Commissioner- General, any Commissioner, any Deputy Commissioner, any Assistant

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Commissioner, any District Secretary, Divisional Secretary or any officer of the Department for the Registration of Persons to exercise, perform or discharge any power, duty or function conferred or imposed upon, or assigned to, the Commissioner-General by or under this Act:

Provided however, that the preceding provisions of this section shall not apply to the power to compound offences conferred upon the Commissioner-General by section 51.”;

- (2) by the substitution, in subsection (2) of that section, of the words “any Government Agent” of the words “any District Secretary or any Divisional Secretary”;
- (3) by the addition immediately after subsection (2) of that section of the following new subsections:-

“(3) The Commissioner-General may establish an office of the Department for the Registration of Persons at provincial level, district level or divisional level as the case may be, and appoint an officer to be in charge of such office.

(4) The Commissioner-General may authorize the officer in charge of the office referred to in subsection (3) to exercise, perform or discharge any power, duty or function vested in, or imposed or conferred on the Commissioner-General in respect of registering persons and issuing of national identity cards under this Act .”.

Replacement of section 6 of the principal enactment.

10. Section 6 of the principal enactment is hereby repealed and the following new section substituted therefor:-

“National Register of Persons.

6. (1) For the purposes of this Act, the Commissioner- General shall establish and maintain a database to be called the “National Register of Persons” in the prescribed form and

manner, in which every person who is a citizen of Sri Lanka, shall be registered.

(2) There shall be recorded the following information in respect of each person referred to in subsection (1)-

- (a) name;
- (b) date of birth;
- (c) place of birth;
- (d) gender;
- (e) the address;
- (f) family details; and
- (g) any other information as may be prescribed.”.

11. The principal enactment is hereby amended by the insertion immediately after section 6 thereof, of the following new section which shall have effect as section 6A in the principal enactment:-

Insertion of new section 6A in the principal enactment.

“Duty to inform the Commissioner-General of change of information. 6A. Every holder of a national identity card issued under this Act, shall inform the Commissioner-General of any change of circumstances affecting the information relating to such person recorded in the National Register of Persons, in the prescribed manner and form within the prescribed period, for the purpose of updating the National Register of Persons.”.

12. Section 9 of the principal enactment is hereby amended as follows:-

Amendment of section 9 of the principal enactment.

- (1) in subsection (1) of that section, by the substitution for the words “Commissioner or Government Agent” of the words “Commissioner-General”.

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(2) in subsection (2) of that section –

(a) by the repeal of paragraph (bb)(i) and the substitution therefor of the following paragraph:-

“(i) if no certificate of waiver in respect of the fee for such registration which the Minister is hereby authorized to fix by notification published in the Gazette has been issued to applicant under this Act, accompany a proof of payment of such fee or substantiate such payment through any prescribed mode of payment; or”;

(b) by the repeal of paragraph (c) and the substitution therefor of the following paragraph:-

“(c) shall be signed by the applicant manually or electronically; and”

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

“(3) An application for registration shall contain–

(a)(i) prescribed biometrics taken by the Commissioner- General or by a person authorized by him;

(ii) photographs of the applicant of the prescribed dimensions, specifications, standards and quality; and

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Replacement of section 15 of the principal enactment.

16. Section 15 of the principal enactment is hereby repealed and the following section substituted therefor:-

“National Identity card to be produced when required.

15. (1) The holder of a national identity card shall, on a request made by the Commissioner-General or any other prescribed officer, produce that card at such time and place as shall be specified in such request, and permit it to be inspected:

Provided, however, that no person shall be deemed to have contravened the preceding provisions of this section, if his national identity card had, at the time of the alleged contravention, been lost and he has complied with the provisions of subsection (1) of section 16 relating to the reporting of such loss to the nearest police station and submitting a declaration in writing to that effect to the Commissioner-General and the making of an application for the issue of a duplicate national identity card.

(2) If in any prosecution against any person for an offence under this Act by reason of a contravention of the provisions of sub-section (1), there is produced a certificate issued by the Commissioner-General, the Additional Commissioner-General, a Commissioner, a Deputy Commissioner, an Assistant Commissioner, or a police officer of a rank not below that of Assistant Superintendent or any such public officer as may be notified for such purpose by the Minister from time to time in the *Gazette*, to the effect that he is satisfied that such person is the holder of national identity card, it shall be presumed, until the contrary is proved by such person, that such person is the holder of such card.”.

17. Section 16 of the principal enactment is hereby amended as follows:-

Amendment of section 16 of the principal enactment.

- (1) by the repeal of subsection (1) thereof and the substitution therefor, of the following subsection:-

“(1) Any person who has lost his national identity card shall immediately report such loss to the nearest police station and submit a declaration to that effect to the Commissioner-General and shall thereafter forthwith apply to the Commissioner - General for a duplicate of that identity card.”

- (2) in subsection (2) of that section -

- (a) by the repeal of paragraph (b)(i) thereof and the substitution therefor of the following paragraph:-

“(i) if no certificate of waiver in respect of the fee for the issue of such duplicate which the Minister is hereby authorized to fix by notification published in the *Gazette* has been issued to the applicant under this Act, accompany a proof of payment of such fee or substantiate such payment through any prescribed mode of payment; or”

- (b) by the repeal of paragraph (c) thereof and the substitution, therefor of the following paragraph:-

“(c) shall be signed by the applicant manually or electronically ; and”

- (c) by the repeal of paragraph (d) thereof and the substitution, therefor of the following paragraph:-

“(d) shall contain –

- (i) a certified copy of the relevant extract of the information book

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of the police station to which the loss of the original of such card was reported by the applicant;

- (ii) prescribed biometrics taken by the Commissioner- General or by a person authorized by him;
- (iii) photographs of the applicant of the prescribed dimensions, specifications, standards and quality; and
- (iv) an image of the applicant taken by the Commissioner- General or by a person authorized by him.”.

Amendment of section 17 of the principal enactment.

18. Section 17 of the principal enactment is hereby amended as follows:-

- (1) by the repeal of subsection (1) of that section and the substitution therefor of the following subsection:-

“(1) Where a national identity card is damaged, defaced or illegible or in danger of becoming illegible or where the information appearing in the national identity card is changed, or where the holder of a national identity card is of the opinion that such identity card carries incorrect information of which he is aware, the holder of that card shall forthwith –

- (a) report that fact in writing to the Commissioner- General; and
- (b) apply to the Commissioner- General for a duplicate of that card.”

- (2) in subsection (2) of that section-
- (a) by the repeal of paragraph (aa)(i) thereof and the substitution therefor of the following paragraph:-
- “(i) if no certificate of waiver in respect of the fee for the issue of a duplicate of such card has been issued to the applicant under this Act, accompany a proof of payment of such fee or substantiate such payment through any prescribed mode of payment; or”
- (b) by the repeal of paragraph (b) of that section and the substitution therefor of the following paragraph:-
- “(b) shall be signed by the applicant manually or electronically; and”
- (c) by the repeal of paragraph(c) thereof and the substitution therefor of the following paragraph:-
- “(c) shall contain -
- (i) prescribed biometrics taken by the Commissioner-General or by a person authorized by him;
 - (ii) photographs of the applicant of the prescribed dimensions, specifications, standards and quality;
 - (iii) an image of the applicant taken by the Commissioner-General or by a person authorized by him,; and

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(iv) the original of that card.”.

Amendment of section 18 of the principal enactment.

19. Section 18 of the principal enactment is hereby amended by the repeal of paragraph (a) of subsection (1) of that section and the substitution therefor of the following paragraph:-

“(a) if the provisions of subsection (1) of section 16 have been complied with by such person prior to such recovery, forthwith inform the nearest police station and the Commissioner-General as referred to in that subsection, of the fact of such recovery; and”.

Amendment of section 19 of the principal enactment.

20. Section 19 of the principal enactment is hereby amended by the repeal of subsection (2) thereof and substitution therefor of the following subsection:-

“(2) Any person who ceases to be a citizen of Sri Lanka on or after the commencement of this Act, shall forthwith inform the Commissioner- General of such fact and surrender or caused to be surrendered the national identity card to the Commissioner- General with a declaration in the prescribed form.”.

Amendment of section 22 of the principal enactment

21. Section 22 of the principal enactment is hereby amended as follows:-

(1) by the insertion immediately after subsection (1) thereof of the following subsection which shall have effect as subsection (1A) of that section:-

“(1A) No person shall possess, use, or abuse a national identity card belonging to any other living person or any deceased person.”

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

“(3) any person who contravenes the provisions of subsections (1), (1A) and (2) shall be guilty of an

offence and shall, on conviction be liable to a fine not exceeding ten thousand rupees, or to imprisonment of either description for a term not exceeding five years or to both such fine and imprisonment.”.

22. Section 33 of the principal enactment is hereby amended by the repeal of subsection(2) of that section and the substitution therefor of the following new subsection:-
Amendment of section 33 of the principal enactment.

“(2) A Tribunal shall cause notice of its decision on any appeal made to the Tribunal under this Act to be served on the Commissioner-General, and also on the appellant, through the Commissioner-General.”.

23. Section 36A of the principal enactment is hereby repealed and the substitution therefor of the following section :-
Replacement of section 36A of the principal enactment.

“Waiver of fees. 36A. The Commissioner-General or any District Secretary or any Divisional Secretary -

(a) may, on the ground of the poverty of any person, waive the fee payable by that person for registration or the issue of a duplicate of national identity card; and

(b) shall, if such fee is so waived, issued to that person a certificate of waiver in respect of such fee.”.

24. Section 37 of the principal enactment is hereby amended by the repeal of subsection (2) of that section and the substitution therefor of the following subsection:-
Amendment of section 37 of the principal enactment.

“(2) For the purposes of subsection (1) and sections 38 and 39, the expression “authorized

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Officer” means the Additional Commissioner-General, any Commissioner, any Deputy Commissioner, any Assistant Commissioner, any District Secretary or any Divisional Secretary.”.

Insertion of new sections 39A, 39B, 39C, 39D, 39E and 39F in the principal enactment.

25. The principal enactment is hereby amended by the insertion immediately after section 39 thereof, of the following new sections which shall have effect as sections 39A, 39B, 39C, 39D, 39E and 39F in the principal enactment:-

“Power of the Commissioner-General or an authorized officer to require information from a prescribed authority. 39A. (1) The Commissioner General or an authorized officer may, for the purpose of discharging the functions under this Act, require a prescribed authority to furnish, in writing, such prescribed information relating to a person, recorded with such Authority .

(2) It shall be the duty of the person who is in charge of such authority referred to in subsection (1) to comply with such requirement.

(3) The information transmitted under subsection (2) shall be used only for the purposes of this Act.

The Commissioner-General or a prescribed officer to issue certified copies and furnish information upon request. 39B. The Commissioner-General or a prescribed officer in the prescribed manner may, -

(a) issue to a person a certified copy of the national identity card of that person upon a written request and on payment of a prescribed fee by such person; or

(b) certify to the authenticity of the particulars in a national identity card of a person, upon a written request made

by a public officer, in the exercise of his official duties or for the purposes of section 39c of this Act; or

- (c) with the consent of the holder of a national identity card, certify to the authenticity of the particulars relating to such card holder, upon a written request made by a prescribed authority.

Commissioner-General to disclose information on matters relating to national security, crime prevention etc..

39c. Notwithstanding any other provision of this Act, it shall be lawful for the Commissioner-General to disclose any information relating to a registered person recorded in the National Register of Persons, to a public officer or authority, where such disclosure is necessary -

- (a) in the interest of national security upon a direction issued by the secretary to the Ministry of the Minister to whom the subject of national defence is assigned; or
- (b) for the prevention or detection of crimes; or
- (c) for the purpose of complying with any order or direction issued by a competent Court.

Exemptions.

39D. The Minister may, in the interest of national security require the Commissioner-General to exempt any person or class of persons from the application of any of the provisions of this Act or any regulation made thereunder to the extent as is necessary, subject to such terms and conditions.

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Unauthorized access to the National Register of Persons. 39E.(1) No person shall, without the approval of the Commissioner-General gain access to the National Register of Persons, or makes copies or extracts of any information, recorded in the National Register of Persons, relating to a registered person.

(2) No person shall, tamper with any information containing in the National Register of Persons, which may come to his knowledge in the performance of his duties under this Act.

Official Secrecy. 39F. Every person appointed under the authority of this Act shall, before entering upon his duties, sign a declaration pledging himself to observe strict secrecy in respect of any information, which may come to his knowledge in the exercise, performance and discharge of his powers, duties and functions under this Act and shall by such declaration pledge himself not to disclose any such information, except for the purpose of exercising, performing and discharging the powers, duties and functions under this Act and any other written law.”.

Amendment of section 40 of the principal enactment. **26.** Section 40 of the principal enactment is hereby amended by the substitution for the words “the Commissioner, Deputy Commissioner, an Assistant Commissioner” of the words “the Commissioner-General, the Additional Commissioner - General, a Commissioner, a Deputy Commissioner, an Assistant Commissioner”.

Replacement of section 43 of the principal enactment. **27.** Section 43 of the principal enactment is hereby repealed and the substitution therefor of the following section:-

”Commissioner-General, &c. deemed to be peace officers. 43. The Commissioner-General, the Additional Commissioner-General, every District Secretary, every Commissioner, every Divisional Secretary, every Deputy

Commissioner, every Assistant Commissioner, every Registration Officer, every Certifying Officer and every other officer acting under the authority of the Commissioner General shall be deemed to be a peace officer within the meaning of the Code of Criminal Procedure Act, No.15 of 1979 for the purposes of exercising any power conferred upon a peace officer by that Code.”.

28. Section 44 of the principal enactment is hereby repealed and the substitution therefor of the following section:-

Replacement of section 44 of the principal enactment.

“offences.

44. (1) Any person who-
- (a) fails to make an application for registration in compliance with the provisions of section 8;
 - (b) gives any incorrect information in such application or in response to any inquiry;
 - (c) makes more than one such application for registration;
 - (d) obtains a national identity card by fraud; or
 - (e) notwithstanding the provisions of sections 24 and 47, obtains by fraud or is in possession of or uses more than one national identity card,

shall commit an offence under this Act, and shall on conviction be liable to a fine not exceeding five thousand rupees.

(2) Any person who organizes or facilitates one or more persons to obtain a national identity card in contravention of any provision of this Act shall commit an offence under this Act, and shall on conviction be liable to a fine not exceeding one hundred thousand rupees or to imprisonment of either description for a term not exceeding five years or to both such fine and imprisonment.

(3) Any employer –

- (a) who fails to carry out the duty imposed on him by section 38 to comply with any direction issued to him under that section to furnish a return relating to any person or persons in his employment; or
- (b) who furnishes any such return containing any particular regarding such person or persons that is untrue or incorrect,

shall be guilty of an offence under this Act, and shall on conviction be liable to a fine not exceeding one hundred thousand rupees or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment -

- (i) in the case referred to in paragraph (a) of this subsection, in respect of each such person or persons in relation to whom he has omitted to furnish such return; and
- (ii) in the case referred to in paragraph (b) of this subsection,

in respect of each such person or persons to whom such untrue or incorrect particular relates.

(4) Any person who contravenes or fails to comply with any provision of this Act, other than any such provision as is referred to in subsections (1) to (3), or any regulation made thereunder, shall be guilty of an offence under this Act and shall on conviction be liable to a fine not exceeding one hundred thousand rupees or to imprisonment of either description for a term not exceeding five years or to both such fine and imprisonment.

(5) Notwithstanding the provisions of any other law, any person including any public officer-

- (a) who attempts or aids and abets any other person to organize and facilitate under subsection (2); or
- (b) who aides and abets or incites any other person liable to registration not to make an application for registration as required by this Act; or
- (c) who aids, abets or facilitates the commission of any other offence, under this Act,

shall be guilty of an offence and shall, on conviction be liable to a fine not exceeding one hundred thousand rupees or to an imprisonment of either description for a term not exceeding five years or to both such fine and imprisonment.”.

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Amendment of section 46 of the principal enactment.

29. Section 46 of the principal enactment is hereby amended by the repeal of subsections (2) and (3).

Amendment of section 52 of the principal enactment.

30. Section 52 (2) of the principal enactment is hereby amended by the insertion immediately after paragraph (f), of the following new paragraphs:-

“(ff) the application for registration electronically and the process of registering an applicant;

(fff) the disposal of applications after issuing the national identity cards;

(ffff) the fees to be charged under section 39B”.

Amendment of section 55 of the principal enactment.

31. Section 55 of the principal enactment is hereby amended as follows:-

(1) by the omission of the definition of expression “Government Agent”.

(2) by the insertion of the following definition of expression immediately after the definition of expression “ Appropriate Tribunal”:-

‘ “Additional Commissioner -General” means a person appointed to be, or to act as the Additional Commissioner-General for the Registration of Persons, for the purposes of this Act;’;

(3) by the insertion immediately after definition of expression “Assistant Commissioner” the following new definition:-

‘ “Biometrics” includes the finger impression of a person;’;

- (4) by the repeal of the definition of expression, “Commissioner” and the substitution thereof of the following definitions of expression:-

‘ “Commissioner” means a person appointed to be, or to act as a Commissioner for the Registration of Persons for the purposes of this Act;

“Commissioner-General” means a person appointed to be, or to act as the Commissioner-General for the Registration of Persons, for the purposes of this Act;’;

- (5) by the insertion of the following definition of expression immediately after the definition of expression “ District”:-

‘ “District Secretary” means the District Secretary referred to in the Transfer of Powers (Divisional Secretaries) Act, No.58 of 1992;

“Divisional Secretary” has the same meaning assigned to it under the Transfer of Powers (Divisional Secretaries) Act, No.58 of 1992;’;

- (6) by the insertion of the following definition of expression immediately after the definition of expression “registered or registration”:-

‘ “Writing” includes writing in manual or electronic form.’.

32. (1) Every person who, on the date of commencement of this Act, is in the possession of a valid identity card issued under the principal enactment shall, re-register with the Commissioner- General in the manner prescribed, within such period as may be prescribed, by the Minister by Order published in the *Gazette*.

Special provisions relating to the registration of the holders of identity cards under the principal enactment.

(2) Every identity card referred to in subsection (1) shall cease to be valid on the expiration of the date specified in such Order.

(3) Nothing in this section shall be construed as preventing any person from re-registering, who failed to re-register within the period specified in subsection (1).

(4) The date of the expiration of the period referred to in subsection (1) may be altered, in respect of any district, by an Order published in the *Gazette*.

Special provisions relating to certain persons who are deemed to be not guilty of an offence under section 44 of the principal enactment.

33. (1) Any citizen who, on the day prior to the date of commencement of this Act, had attained the age of fifteen years but had not attained the age of sixteen years and was therefore not a person liable to registration under subsection (1) of section 2 of the principal enactment and on such date becomes so liable by virtue of the provisions of that section as amended by this Act, shall be deemed not to be guilty of an offence under section 44 of the principal enactment, provided that such person makes an application within the prescribed period for such registration under the provisions of that enactment.

(2) In this section “prescribed period” means the period within which any person referred to in subsection (1) is required by virtue of any regulation made under section 52, read with subsection (4) of section 7, of the principal enactment to apply for registration under the provisions of that enactment.

Special provisions relating to the infrastructure arrangements etc.

34. (1) Notwithstanding the amendments made to sections 6,9,14,16 and 17 of the principal enactment by this Act, sections 6,9,14,16 and 17 of the principal enactment and every regulation made under the principal enactment and in force immediately prior to the date of commencement of this Act, shall continue to be in operation under this Act until the necessary infrastructure arrangements and technological methodologies are made, to give effect to the amendments made to sections 6,9,14,16 and 17 by this Act.

(2) The Minister may, by Order published in the *Gazette* determine the period of operation of sections 6,9,14,16 and 17 of the principal enactment referred to in subsection(1) .

(3) The date of expiration of the period of operation of sections 6,9,14,16 and 17 of the principal enactment determined by Order published in the *Gazette* by the Minister under subsection (2) may be altered, from time to time by the Minister by a like Order.

35. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. Sinhala text to prevail in case of inconsistency.

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