

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

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REGISTRATION OF DEATHS (TEMPORARY

PROVISIONS) ACT, NO. 19 OF 2010

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[Certified on 10th December, 2010]

Printed on the Order of Government

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Registration of Deaths (Temporary Provisions) 1

Act, No. 19 of 2010

[Certified on 10th December, 2010]

L. D.—O. 36/2008.

AN ACT TO PROVIDE FOR THE REGISTRATION OF DEATHS OF PERSONS

REPORTED MISSING AS A RESULT OF TERRORIST OR SUBVERSIVE

ACTIVITY OR CIVIL COMMOTION AND OF PERSONS WHOSEDEATHS ARE

DIRECTLY ATTRIBUTABLE TO ANY NATURAL DISASTER OR CALAMITY

AND SUCH ACTIVITY, DISASTER OR CALAMITY RESULTS IN SERIOUS

CONSEQUENCES AT NATIONAL LEVEL; AND FOR MATTERS CONNECTED

THEREWITH OR INCIDENTAL THERETO.

WHEREAS several persons have died or have been reported Preamble

missing in the course of the civil disturbances that have

taken place in Sri Lanka due to terrorist or subversive

activities or civil commotion:

AND WHEREAS several people have died due to being

exposed to natural disasters or calamities of national

proportions:

AND WHEREAS there are certain practical difficulties which

impede the registration of deaths in the circumstances which

are enumerated above under the provisions of the Births and

Deaths Registration Act:

AND WHEREAS it has now become necessary to enact

legislation providing measures for the registration of such

deaths:

NOW THEREFORE BE it enacted by the Parliament of the

Democratic Socialist Republic of Sri Lanka as follows:—

1. (1) This Act may be cited as the Registration of Short title,

Deaths (Temporary Provisions) Act, No. 19 of 2010. The duration and

extension of

provisions of this Act shall be in operation for a period of operation of the

three years from the date of its commencement. Act.

(2) Notwithstanding the provisions of subsection (1), the

Minister may not less than one month prior to the expiration

of any period of operation of this Act, by Order published in

the Gazette, extend such period of operation:

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Provided however, that any such extension shall not, in

any one instance, be for more than a period of two years.

(3) Notification of the date of any extension granted in

terms of subsection (2) shall be published in the Gazette.

PART I

REGISTRATION OF DEATHS OF PERSONS MISSING DUE TO TERRORIST

OR SUBVERSIVE ACTIVITY OR CIVIL COMMOTION

Who may apply 2. (1) Where any person is reported missing and he has

for the issue of a not been heard of for a period exceeding one year by those

certificate of who would naturally have heard of him, had he been alive

death in case of

a person missing and his disappearance is attributable to any terrorist or

due to terrorist subversive activity or civil commotion which has taken place

activity &c., and within Sri Lanka, a next of kin of such person if he verily

procedure. believes such person to be dead, may apply in the manner

hereinafter provided, to register the death of such person

under the provisions of the Births and Deaths Registration

Act and to have issued to him, a Certificate of Death in

respect of such person.

(2) Every application under this section shall be

substantially in the Form specified in the Schedule to this

Act and shall be forwarded to the Registrar-General or the

District Registrar of Births and Deaths of the District in which

such missing person was last resident or had his permanent

residence.

Additional 3. Every application under this Act shall be supported

material to be by an Affidavit of the applicant setting out the grounds for

supplied.

his belief that the person whose death is sought to be

registered, is dead, and shall be accompanied by a Report

from the Grama Niladhari of the Grama Niladhari Division

in which the person whose death is sought to be registered

was last resident or had his permanent residence, confirming

the fact that such person has not been seen alive or heard of,

for a period of over one year, and accompanied by any other

evidence in support of such application.

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4. Upon receipt of an application under this Act, the Display of

Register General or the District Registrar, as the case may application.

be, shall cause a copy of such application to be displayed

for a period of two weeks on the Notice Board kept at his

office and in the office of the Grama Niladhari in whose

division the person whose death is sought to be registered

was last resident or had his permanent residence.

5. Any person may, within one month of the date on Objection to

which a copy of an application under this Act is first registration.

displayed as provided for in section 4, forward to the

Registrar-General or the District Registrar, as the case may

be, his objections in writing to the registration of the death

of the person to whom such application relates, and such

objection shall be supported by an Affidavit of the objector

and of any other person, setting out clearly the grounds for

their objections.

6. (1) On the expiry of the period of one month allowed Registration of

Death.

for the forwarding of objections to an application, the

Registrar-General or the District Registrar, as the case may

be, shall consider the application together with the evidence

in support of the application and the objections, if any, and

the evidence tendered in support of such objections, and

after such inquiry as he may deem necessary, if satisfied as

to the truth of the matters stated in the application, allow

such application. Where the application was made to the

District Registrar, he shall forward to the Registrar-General

a Report under his hand setting out the particulars of the

death as is required to be registered, under the Births and

Deaths Registration Act, as he has been able to ascertain

upon the completion of such inquiry as aforesaid.

(2) On receipt of the Report under subsection (1), the

Registrar-General shall, except in a case where he disallows

a Report in the exercise of the powers conferred on him by

section 7, make order directing the appropriate Registrar to

enter in the Register of Deaths maintained by such Registrar

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under the Births and Deaths Registration Act, the particulars

specified in such Report and issue in respect of such person

a Certificate of Death.

(3) On receipt, by a Registrar, of an order under subsection

(2), directing him to enter the particulars in relation to the

relevant death in the Register of Deaths maintained by him

under the Births and Deaths Registration Act and issue in

respect of such person a Certificate of Death, the Registrar

shall forthwith enter those particulars in such register and

sign the Register in the appropriate place and issue the

Certificate of Death.

(4) There shall be attached to the duplicate of the relevant

registration entry, the written order of the Registrar-General

made under subsection (2) and such duplicate and order

shall together be sent, by the Registrar to the appropriate

District Registrar for transmission to the Registrar-General

to be kept in his custody in his office.

Appeal against 7. An applicant who is dissatisfied with the decision of

refusal to issue

certificate &C., the District Registrar refusing to issue a Certificate of Death

to him under section 6, or a person who has objected under

section 5 to the issue of a Certificate of Death under this Act

and who is dissatisfied with the decision of the District

Registrar to issue such Certificate, may within one month of

the notification of such refusal or issue, as the case may be,

appeal to the Registrar-General against such refusal or issue,

as the case may be. The Registrar-General may after review

of the material before him, either affirm the decision of the

District Registrar, or direct the District Registrar to issue a

Certificate under section 6, or disallow the report issued by

that District Registrar under section 6, as the case may be.

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8. (1) Where a Commission appointed under the Special

procedure

Commissions of Inquiry Act (Chapter 393) or a Special

relating to

Presidential Commission of Inquiry established under the registration of

Special Presidential Commissions Law, No. 7 of 1978 finds deaths of

persons in

that a person has disappeared or is missing, the next of kin of

respect of whom

that person may, apply to the Registrar-General or to the there are finding

District Registrar of Births and Deaths of the District in which by a

Commission of

that person was last residing or had his permanent residence,

Inquiry or a

substantially in the Form set out in the Schedule to this Act, Special

to register the death of that person under the Births and Presidential

Commission of

Deaths Registration Act and to have issued to him, a

Inquiry.

Certificate of Death in respect of the death of that person.

Every such application shall be accompanied by an Affidavit

of the applicant in terms of section 3 and a certified copy of

the findings of the Commission of Inquiry or Special

Presidential Commission of Inquiry, as the case may be,

relating to the death of such person.

(2) Upon receipt of an application under subsection (1),

the District Registrar shall, notwithstanding anything to

contrary in the preceding provisions of this Act, forthwith

send to the Registrar-General a Report under his hand, setting

out the particulars of the death required to be registered

under the Births and Deaths Registration Act, as he has been

able to ascertain from the application and the accompanying

Affidavit and finding.

(3) Upon receipt of the Report under subsection (2), the

Registrar-General shall make order directing the appropriate

Registrar to register in the Register of Deaths maintained by

such Registrar under the Births and Deaths Registration Act,

the particulars specified in such Report and issue in respect

of such person a Certificate of Death.

(4) Upon receipt of an order under subsection (3)

directing him to enter the particulars relating to the relevant

death in the Register of Deaths maintained by him under the

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Births and Deaths Registration Act, the Registrar shall

forthwith enter such particulars in such Register and sign

the Register in the appropriate place.

(5) There shall be attached to the duplicate of the relevant

registration entry, the written order of the Registrar-General

made under subsection (3) and such duplicate and order

shall be sent together, by the Registrar to the appropriate

District Registrar for transmission to the Registrar-General

to be kept in his custody in his office.

(6) Where the application under subsection (1) is made

to the Registrar-General, the provisions of subsections (2)

and (5) shall mutatis mutandis apply as if the reference in

those section to the District Registrar is a reference to the

Registrar-General.

PART II

REGISTRATION OF DEATHS OF PERSONS MISSING DUE TO NATURAL

DISASTERS OR CALAMITIES

Registrar- 9. Where there has been within Sri Lanka a natural

General to disaster or calamity which has caused to either the whole of

declare

"National Sri Lanka or to certain areas thereof, destruction to persons

Disaster Areas". and property which has had far reaching effects at the

national level, and where due to the circumstance of the

deaths of persons who have died as a result of such disaster

or calamity, the application of the provisions of the Births

and Deaths Registration Act to the registration of the deaths

of such persons has become impractical, the Registrar-

General may, upon verification of the fact that a natural

disaster or calamity has occurred, declare any Administrative

District, Divisional Secretary’s Division or Grama Niladhari

Division as the case may be, affected by such disaster or

calamity, as a "National Disaster Area".

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10. (1) Where any person or persons— Who may apply

for the issue of a

Death Certificate

(a) who had been resident within an area in case of

declared to be a National Disaster Area persons missing

under section 9 ; or as a result of any

natural disaster

(b) who have been resident within any other or calamity, and

area, but was at the time of the occurrence procedure.

of such natural disaster or calamity, known

to have gone to or to have been within any

area declared to be a National Disaster Area

under section 9,

cannot be found subsequent to such natural disaster or

calamity and has for all intent and purposes disappeared as

a result of such disaster or calamity, a next of kin of such

person or persons or where no members of the family of such

person or persons have survived the natural disaster or

calamity, any person having knowledge of such person or

persons may, if he verily believes such person or persons to

be dead, apply to register the death of such person or persons,

in the manner hereinafter provided, under the Births and

Deaths Registration Act and to have issued to him a

Certificate of Death or certificates of Death in respect of the

death of such person or persons.

(2) Every such application shall be made to the Grama

Niladhari of the area within which such person, whose death

is sought to be registered, was habitually resident.

(3) Every such application shall be submitted in any form

whatsoever, containing wherever possible at least some of

the information set out in the Schedule hereto, which

information would as far as practicable be a description of

the person whose death is sought to be registered. Every

such application shall be accompanied by an Affidavit in

support of such facts. The Grama Niladhari shall as soon as

possible upon the receipt of such application, and after such

inquiry as he deems necessary, recommend the same and

forward it along with a report certifying to the best of his

knowledge the accuracy of the facts stated therein, to the

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Divisional Secretary of the Division within which his

Division is situated. The Divisional Secretary shall endorse

every such application and forward the same to the Registrar-

General.

(4) Upon receipt of an application under subsection (2),

duly recommended and endorsed in terms of the provisions

of subsection (3), the Registrar-General shall make order

directing the appropriate Registrar to register in the

Register of Deaths maintained by such Registrar under the

Births and Deaths Registration Act, the particulars specified

in such application and issue in respect of the person to

whom the application relates, a Certificate of Death.

(5) Upon receipt of an order under subsection (4)

directing him to enter the particulars relating to the relevant

death in the Register of Deaths maintained by him under the

Births and Deaths Registration Act, the Registrar shall

forthwith enter such particulars in such Register and sign

the Register in the appropriate place.

(6) There shall be attached to the duplicate of the relevant

registration entry, the written order of the Registrar-General

made under subsection (4) and such duplicate and order

shall together be sent, by the Registrar to the appropriate

District Registrar for transmission to the Registrar-General

for custody in his office.

(7) Where the application under subsection (1) is made

directly to the Registrar-General, the provisions of

subsection (2) to (6) shall, mutatis mutandis, apply as if the

reference in those sections to the District Registrar is a

reference to the Registrar-General.

Registration of 11. Where there is evidence to show that a national of

Deaths of another State had been in Sri Lanka and temporarily resident

foreign

within an area declared as a National Disaster Area in terms

nationals.

of section 9, and that it is apparent that such person has died

as a result of the natural disaster or calamity in question,

then any person having knowledge of these facts may apply

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for the issue to him of a Certificate of Death in respect of

such person. Every such application shall be authenticated

by the representative of the country of which such person

was a citizen, present in Sri Lanka, and such application

shall be forwarded directly to the Registrar-General who

shall forthwith proceed to register such death and issue in

respect of such person a Certificate of Death.

PART III

MISCELLANEOUS PROVISIONS

12. The provisions of this part of this Act, shall Provisions of the

notwithstanding the provisions of section 108 of the Evidence

Ordinance not to

Evidence Ordinance as amended by the Evidence

apply.

(Amendment) Act, No. 10 of 1988, be applicable to the issue

of a Certificate of Death in respect of a person whose death is

attributable to any terrorist or subversive activity or civil

commotion or to any natural disaster or calamity where the

death in question had occurred within an area declared to be

a National Disaster Area in terms of section 9.

13. (1) Where a death has been registered pursuant to Procedure if

an application made under sections 2,8,10 or 11 of this Act, person

registered as

and where any person at any time thereafter becomes aware dead is found to

that the person whose death has been so registered is alive, be alive.

such person shall forthwith furnish such information to the

Registrar-General.

(2) The Registrar-General shall, on receipt of such

information convey the information to the Officer-in-Charge

of the relevant police station, who shall investigate the truth

of such information and forward a report to the Registrar-

General, within four weeks from the date on which such

information is conveyed to such officer.

(3) Upon receipt of a report under subsection (2) and after

such inquiry as he may deem necessary the Registrar-General,

if satisfied that the person whose death has been registered

is alive, shall take such action, or make such order or give

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such direction, under section 52 of the Births and Deaths

Registration Act, as is appropriate in the circumstances of

the case.

(4) Any inquiry held by the Registrar-General under this

Act shall be concluded within one month of its

commencement and the Registrar-General may, for the

purpose of an inquiry under this Act, exercise all the powers

exercisable by him under the Births and Deaths Registration

Act, in relation to an inquiry held by him under that Act.

Avoidance of 14. For the avoidance of doubt it is hereby declared

doubt. that—

(a) if the operation of this Act has lapsed upon the

expiry of the period specified in subsection (1) of

section 1, and no Order for the extension of the

period of operation of this Act is made in terms of

subsection (2) of section 1; and

(b) if a person has been reported as dead and the

application for the issue of a Certificate of Death in

relation to such person has been made in terms of

the provisions of sections 2, 8, 10 and 11 of this Act

prior to the expiry of the period of operation of

this Act,

the Registrar-General may proceed to register the death of

such person and issue the Certificate of Death in respect of

such person, in terms of the provisions of Part I and Part II

respectively of this Act.

Offences. 15. Any person who—

(a) knowingly, makes a false statement in an application

made by him under this Act, or furnishes false

information under this Act; or

(b) being aware that a person whose death has been

registered in pursuance of an application made

under this Act, is alive, fails to furnish such

information to the Registrar-General; or

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(c) dishonestly or fraudulently uses a Certificate of

Death issued under the Births and Deaths

Registration Act knowing or having reason to

believe that the person referred to in such certificate

is alive,

shall be guilty of an offence under this Act, and shall upon

conviction after trial by the High Court be sentenced to a

term of imprisonment of not exceeding five years.

16. In the event of any inconsistency between the Sinhala text to

Sinhala and Tamil texts of this Act, the Sinhala text shall prevail in case

of inconsistency.

prevail.

17. In this Act, unless the context otherwise requires— Interpretation.

"appropriate District Registrar", "appropriate

Registrar" and "District" have the respective

meanings assigned to them by the Births and

Deaths Registration Act;

"Births and Deaths Registration Act" means the Births

and Deaths Registration Act (Chapter 110);

"District Registrar" means a District Registrar of Births

and Deaths appointed under the Births and

Deaths Registration Act;

"Registrar-General" means the Registrar-General of

Births and Deaths appointed under the Births

and Deaths Registration Act and includes an

Additional Registrar-General, a Deputy

Registrar-General or an Assistant Registrar-

General.

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SCHEDULE (Sections 2, 8 and 10)

APPLICATION FOR REGISTRATION OFDEATH OFA MISSING PERSON

1. Full Name of missing person :

2. Sex and race ;

3. Age :

4. Date of Death (approximately) :

5. Address of last known residence:

6. Address of permanent residence :

7. Rank or profession :

8. Applicant’s full name and residence :

9. Applicant’s relationship to missing person :

I......................................................... of

...................................................................... do hereby state that

the said................................................................... (name of the

person missing).......................................................................... has

been missing for a period of over one year, and I verily believe that

the said.............................................................. is dead.

I therefore request that the death be registered under the Births

and Deaths Registration Act (Chapter 110) and a Certificate of Death

in respect of such death be issued to me.

........................................

Signature of Applicant

Date:.....................................

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