



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRILANKA**

REGISTRATION OF PERSONS (AMENDMENT)

A

BILL

to amend the Registration of Persons Act, No. 32 of 1968

*Presented by the Minister of Internal Affairs, Wayamba Development and
Cultural Affairs, on 10th March , 2016*

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Statement of Legal Effect

Clause 2 : This clause amends the Long Title to the Registration of Persons Act, No.32 of 1968 (hereinafter referred to as the “principal enactment”) and legal effect of the amendment will be to provide for –

- (a) the registration of all Citizens of Sri Lanka; and
- (b) the issue of National Identity Cards to the eligible citizens so registered.

Clause 3 : This clause provides for a general amendment of principal enactment by the substitution for the words “Commissioner for the Registration of Persons”, “Register of Persons”, “Identity Cards” and “three copies of the photograph or a photograph” of the words “Commissioner-General for the Registration of Persons”, “National Register of Persons”, “National Identity Cards” and “Photographs”, respectively.

Clause 4 : This clause inserts a new Part IA to the principal enactment.

Clause 5 : This clause replaces section 2 of the principal enactment and the legal effect as amended is to provide for the compulsory registration of every Citizen of Sri Lanka, and for the introduction of new age limit for the issuance of National Identity Cards.

Clause 6 : This clause amends the heading to Part 1 of the principal enactment.

Clause 7 : This clause amends section 3 of the principal enactment and the legal effect of the section as amended is to provide for the appointment of the Additional Commissioner –General and Commissioners.

Clause 8 : This clause amends section 4 of the principal enactment and is consequential to the amendment made to section 3.

Clause 9 : This clause amends section 5 of the principal enactment and the legal effect of the section as amended is to provide for delegation of powers by the Commissioner General and to establish, provincial, district and divisional level offices of the Department for Registration of Persons.

Clause 10 : This clause replaces section 6 of the principal enactment and the legal effect of the section as amended is to provide for the establishment and maintenance of a database to be called a National Register of Persons.

Clause 11 : This clause inserts a new section 6A in the principal enactment and the legal effect as amended is to provide for the registered person to inform the Commissioner of change of information recorded in the National Registry of Persons relating to such person.

Clause 12 : This clause amends section 9 of the principal enactment and the legal effect of the section as amended is to set out the manner of making applications to obtain a National Identity Card.

Clause 13 : This clause amends section 10 of the principal enactment and is consequential to the amendment made to the principal enactment .

Clause 14 : This clause amends section 11 of the principal enactment and the legal effect of the section as amended is to prescribe the manner of disposal of the applications.

Clause 15 : This clause replaces section 14 of the principal enactment and the legal effect of the section as amended is to specify the information reflected on a National Identity Card.

Clause 16 : This clause replaces section 15 of the principal enactment and the legal effect of the section as amended require the holder to inform the Commissioner-General of a loss of a National Identity Card.

Clause 17 : This clause amends section 16 of the principal enactment and the legal effect of the section as amended is to provide for the procedure to be followed to obtain a duplicate NIC in case of a loss of the original

Clause 18 : This clause amends section 17 of the principal enactment and the legal effect of the section as amended is to provide for the procedure to be followed in case of damage of original National Identity Card.

Clause 19 : This clause amends section 18 of the principal enactment and the legal effect of the section as amended is to provide for the procedure to be followed in case of recovery of a lost National Identity Card..

Clause 20 : This clause amends section 19 of the principal enactment and the legal effect of the section as amended is to require a holder of an NIC who ceases to be a Citizen of Sri Lanka to forthwith surrender such National Identity Cards to the Commissioner-General.

Clause 21 : This clause inserts a new subsection (1A) immediately after subsection (1) of section 22 and the legal effect of the insertion of the new subsection is to provide penalties for unlawful possession or use of the National Identity Cards.

Clause 22 : This clause amends section 33 of the principal enactment and is consequential to the amendments made to the principal enactment by clause 3.

Clause 23 : This clause replaces section 36A of the principal enactment is consequential to the amendment made to the Act in general.

Clause 24 : This clause amends section 37 of the principal enactment and is consequential to the amendment made to the Act in general.

Clause 25 : This clause inserts new sections 39A to 39F in the principal enactment and the legal effect as of the sections as amended is to provide for –

- (i) a prescribed authority to submit information to the Commissioner-General under certain circumstances;
- (ii) the issuance of certified copies and to furnish information upon request by the Commissioner-General in certain circumstances;
- (iii) the Commissioner-General to disclose information in certain circumstances;

- (iv) exemptions from registration in certain circumstances;
- (v) the prohibition of unauthorized access to the national register of person;
- (vi) the maintenance of official secrecy.

Clause 26 : This clause replaces section 40 of the principal enactment and is consequential to the amendment made to the Act in general.

Clause 27 : This clause replaces section 43 of the principal enactment and is consequential to the amendment made to the Act in general.

Clause 28 : This clause repeals section 44 of the principal enactment and the Legal effect as amended is to provide for offences and penalties for contraventions of provisions of this Act.

Clause 29 : This clause amends section 46 of the principal enactment and is an amendment consequential to the amendment made to the principal enactment by clause 5.

Clause 30 : This clause amends section 52 of the principal enactment and is an amendment consequential to amendments made to the principal enactment by clauses 12, 14 and 25.

Clause 31 : This clause amends section 55 of the principal enactment and is consequential to the amendments made to the Act in general.

Clause 32 : This clause provides for a transitional arrangement and the legal effect is to allow the holder of an identity card issued under the principal enactment, to re-register within a period prescribed by the Minister.

Clause 33 : This clause provides for a transitional arrangement and the legal effect is to exempt certain persons from liability for not applying for an identity card under certain circumstances.

Clause 34 : This clause provides for a transitional arrangement and the legal effect is to allow sections 6, 9, 14, 16 and 17 of the principal enactment to be in force for a prescribed period until the necessary infrastructure arrangements are made.

Registration of Persons (Amendment)

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. of 2016. Short title.

5 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.

10 “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”,

15 (a) for the words “Commissioner for the Registration of Persons”, the words “Commissioner-General for the Registration of Persons”; “Register of Persons”, “Identity Cards” and “three copies of the

(b) for the words “Register of Persons”, the words “National Register of Persons”; photograph or a photograph” to be known as “Commissioner-General for the

20 (c) for the words “identity cards”, the words “national identity cards”; and Registration of Persons”, “National Register of Persons” , “National

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

(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”.

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

Insertion of new Part 1A in the principal enactment.

“PART 1 A

PRELIMINARY”

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

Replacement of section 2 of the principal enactment.

“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,

30

within a prescribed period.

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”

5 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.

10 “(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;”.

15 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.

20 “(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.

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

30 “(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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5 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:

10 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”;

15 (3) by the addition immediately after subsection (2) of that section of the following new subsections:-

20 “(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.

25 (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 .”.

30 **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

Replacement of section 6 of the principal enactment.

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)-

5

- (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.”.

10

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.”.

20

25

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:-

5 “(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
10 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”;

15 (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”

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

“*(3)* An application for registration shall
contain–

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

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

(b) an image of the applicant taken by the Commissioner- General or by a person authorized by him.”.

5 **13.** Section 10 of the principal enactment is hereby amended by the repeal of paragraph (b) of subsection (1) of that section. Amendment of section 10 of the principal enactment.

14. Section 11 of the principal enactment is hereby amended by the addition immediately after subsection (3) thereof, of the following new subsection:- Amendment of section 11 of the principal enactment.

10 “(4) The Commissioner-General shall, after issuing a national identity card to the applicant, cause the application to be returned to the applicant or cause the application to be destroyed in the prescribed manner.”.

15 **15.** Section 14 of the principal enactment is hereby repealed and the following section is substituted therefor:- Replacement of section 14 of the principal enactment.

20 “National Identity Cards to be issued to a registered person. 14. The Commissioner General shall, as soon as practicable after a person becomes a registered person, issue to that person, a national identity card. Such card -

(a) shall be in the prescribed form and shall contain the prescribed particulars and the prescribed validity period;

25 (b) shall bear the photographs or the image taken by the Commissioner-General or by a person authorized by him; and

(c) shall bear the signature, or a facsimile of the signature of the Commissioner-General.”.

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

Replacement
of section 15
of the
principal
enactment.

5 “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:

10 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.
20

25 (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.”
30
35

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:-

5 “(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.”

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

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

15 “(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”

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

25 “(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:-

30 “(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;

- 5 (ii) prescribed biometrics taken by
the Commissioner- General or by
a person authorized by him;
- 10 (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.”.

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

Amendment
of section17
of the
principal
enactment.

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

20 “(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
25 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
- 30 (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:-

5 “(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
10 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:-

15 “(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:-

20 “(c) shall contain -

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

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

20 (iii) an image of the applicant taken by the Commissioner-General or by a person authorized by him,;
and

(iv) the original of that card.”.

5 **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:- Amendment of section 18 of the principal enactment.

10 “(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”.

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

20 “(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.”.

25 **21.** Section 22 of the principal enactment is hereby amended as follows:- Amendment of section 22 of the principal enactment

(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.”

30 (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

5 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.

10 “(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 -

20 (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

25 (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.

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

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

5 **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:-

Insertion of new sections 39A, 39B, 39C, 3D, 39E and 39F in the principal enactment.

10 “Power of 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 .

15 (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.

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

25 “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

30 (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

- 5 (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.

10 “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 -

- 15 (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
- 20

(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.
- 25

30 “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.

5 "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.

10 (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.

15 "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.”.

25 **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
30 Deputy Commissioner, an Assistant Commissioner”. Amendment of section 40 of the principal enactment.

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

35 "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

5 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.”.

10 **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-

- 15 (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;
- 20 (c) makes more than one such application for registration;
- (d) obtains a national identity card by fraud; or
- 25 (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,

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

5 (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.

10 (3) Any employer –

15 (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

20 (b) who furnishes any such return containing any particular regarding such person or persons that is untrue or incorrect,

25 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 -

30 (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.

5 (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
10 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.

15 (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

20 (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

25 (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
30 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.”.

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

Amendment of section 46 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:-

Amendment of section 52 of the principal enactment.

“(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”.

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

Amendment of section 55 of the principal enactment.

(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:-

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

10 “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”:-

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

20 “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”:-

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

30 **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*.

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.

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

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.

Special provisions relating to the infrastructure arrangements etc.

(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
5 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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