

## REGISTRATION OF PERSONS

AN ACT TO PROVIDE FOR THE REGISTRATION OF CERTAIN PERSONS WHO ARE IN SRI LANKA, FOR THE ISSUE OF IDENTITY CARDS TO THE PERSONS SO REGISTERED, AND FOR PURPOSES CONNECTED THEREWITH OR INCIDENTAL THERETO.

Act Nos,

32 of 1971

28 of 1971

37 of 1971

11 of 1981 [ 27<sup>th</sup> February , 1981 ]

[5<sup>th</sup> April , 1971 ]

Short title. **1.** This Act may be cited as the Registration of Persons Act.

Persons liable **2.**

to registration.

[2,11 of 1981]

(1) Every person who is in, or enters, Sri Lanka on or after the appointed date, and has attained, or attains, the age of sixteen years, not being a person

(a) who is not liable to registration by virtue of the operation of the provisions of subsection (2) ; or

(b) who has entered, or enters, Sri Lanka before or on or after that date in contravention of the provisions of section 10 of the Immigrants and Emigrants Act; or ;

(c) who remains in Sri Lanka on or after that date in contravention of the provisions of section 15 of that Act; or

[2,37 of 1971] (d) who is liable to removal to India from Sri Lanka under section 15 of the Indo-Ceylon Agreement (Implementation) Act, No. 14 of 1967, shall be a person liable to registration.

(2) The following persons shall not be liable to registration :

(a) a person who is the holder of a valid visa or endorsement granted to him under the Immigrants and Emigrants Act; or

(b) a person who is exempted from the operation of Part 111 of that Act by, or by virtue of, an Order made under section 2 (1) of that Act; or

[2,37 of (c) a person who is the holder of a

<sup>1971]</sup> valid residence permit issued under the Indo-Ceylon Agreement (Implementation) Act.

## PART I ADMINISTRATION

Appointment of officers and servants. **3.**

- (1) For the purposes of this Act, there may be appointed
- (a) a person, by name or by office, to be or to act as the Commissioner for the Registration of Persons;
  - (b) a person, or two or more persons, by name or by office, to be or to act as a Deputy Commissioner, or Deputy Commissioners, for the Registration of Persons ; and
  - (c) two or more persons, by name or by office, to be or to act as Assistant Commissioners for the Registration of Persons.

(2) For the purposes of this Act, there may be appointed such number of persons, by name or by office, to be or to act as Registration Officers and Certifying Officers, and such number of other officers and servants, as may be necessary for such purposes.

Powers and duties of officers. **4.** In the exercise, performance or discharge of the powers, duties or functions, conferred, imposed or assigned by or under this Act

- (a) the Commissioner shall be subject to the general or special directions of the Minister; and
- (b) 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.

Delegation of powers of the Commissioner **5.**

(1) The Commissioner may, either generally or specially, authorize any Deputy Commissioner, any Assistant Commissioner or any divisional Assistant Government Agent to exercise, perform or discharge any power, duty or function conferred or imposed upon, or assigned to, the Commissioner 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 by section 51.

(2) Any Government Agent may, subject to the general direction and control of the Commissioner, exercise, perform or discharge any power, duty or function conferred or imposed upon, or assigned to, the Commissioner by or under this Act.

## PART II REGISTRATION OF PERSONS

Register of **6.** For the purposes of this Act, the Commissioner shall open and maintain, or

Persons. cause to be opened and maintained, a book to be called the " Register of Persons ", in the prescribed form, in which persons shall be registered from time to time, under and in accordance with the provisions of this Act.

Order appointing the period **7.**  
within which persons liable  
to registration are required to  
apply for such registration,

(1) The Minister may, by Order published in the Gazette, appoint, in respect of all districts, a period within which persons liable to registration who are in any such district are required to apply for such registration under and in accordance with the provisions of this Act. The period so appointed shall commence on the same date, and shall, subject to the provisions of any Order published by the Minister under subsection (2), expire on the same date, in respect of all districts.

(2) The date of the expiration of the period appointed by Order published in the Gazette by the Minister under subsection (1) may be altered, in respect of any district, from time to time by the Minister by a like Order.

(3) The Minister shall cause copies of any Order made under the preceding provisions of this section to be published in such Sinhala, Tamil and English newspapers, and to be exhibited in such conspicuous place or places in all or any districts, as he may deem best calculated to give publicity thereto.

(4) Regulations may be made under this Act prescribing the period within which persons who are not liable to registration, but who subsequently become so liable, shall apply for such registration under and in accordance with the provisions of this Act.

Obligation of person liable to  
registration to apply for such  
registration.

**8.** A person liable to registration shall, within the appropriate appointed period, apply for such registration under and in accordance with the provisions of this Act.

Applications **9.**  
for  
registration.

(1) Every application for registration shall be addressed to the Commissioner, and shall be delivered to the appropriate Certifying Officer for transmission to the Commissioner or Government Agent.

(2) Every application for registration

(a) shall be in writing;

(b) shall be in the prescribed form and shall contain the prescribed particulars;

[2,28 of 1971] (bb) shall,-

(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 the applicant under this Act, bear a stamp or stamps of the value of such fee or

(ii) if such certificate has been issued to the applicant, have such certificate attached to the application;

(c) shall be signed by the applicant; and

(d) shall bear the prescribed endorsements under the hand of such Certifying Officer. Where a person is unable to make such application himself by reason of the fact that he is physically disabled or is of unsound mind, such application may be made and signed on his behalf by his guardian or other person having the care and custody of such person.

(3) An application for registration shall be accompanied by three unmounted copies of a photograph of the applicant of the prescribed dimensions, specifications, standards and quality.

(4) It shall be the duty of the appropriate Certifying Officer, upon being requested so to do, to make the endorsements referred to in paragraph (d) of subsection (2).

(5) Upon the receipt of an application for registration, the appropriate Certifying Officer shall,

(a) if such application is not returned to the applicant as required by paragraph (c) of this subsection, make a written acknowledgment of the receipt of such application to the applicant; and

(b) if such application has been duly made under and in accordance with the provisions of this Act or any regulation made thereunder, transmit such application, within seven days of its receipt, to the Commissioner; or

(c) if such application has not been so made, return it to the applicant for compliance with such provisions.

Grounds on which application for registration may be rejected by the Commissioner. **10.**

(1) An application for registration may be rejected by the Commissioner

(a) if the application is not made under and in accordance with the provisions of this Act, or any regulation made thereunder; or

[4,37 of 1971]

(b) if the applicant is not a person liable to registration under this Act, or is not a person liable to such registration by virtue of paragraph (b) or paragraph (c) or paragraph (d) of subsection (1) of section 2, or paragraph (a) or paragraph (b) or paragraph (c) of subsection (2) of that section; or

[4,37 of 1971]

(c) if the applicant is already a registered

person; or

(d) on the ground specified in section 37, and accordingly, no such application shall be rejected by the Commissioner except in any of the circumstances referred to in the preceding provisions of this section.

(2) In the event of any application for registration or any application for a duplicate of an identity card being rejected by the Commissioner it shall be his duty to inform the applicant in writing that such application has been rejected and such written information shall include a statement of the grounds for such rejection.

(3) Where the Commissioner rejects an application for registration in the circumstances specified in paragraph (a) or paragraph (d) of subsection (1), the applicant shall be entitled to make a fresh application for such registration under this Act.

Disposal of application **11.**  
for registration by the  
Commissioner.

(1) Upon the receipt of an application for registration, the Commissioner-

(a) may reject the application on any ground referred to in section 10; or

(b) if he does not so reject it, shall allow the application.

(2) Where the Commissioner allows an application for registration, he shall register the applicant in the Register of Persons by entering in such Register the prescribed particulars relating to the applicant. Every entry made in the Register of Persons under this subsection is in this Act referred to as a "registration entry". A person registered under this subsection is in this Act referred to as a "registered person".

(3) Where the Commissioner has, in consequence of his decision on any application for registration, registered the applicant, the Commissioner shall cause a copy of the registration entry relating to the applicant certified under his hand to be served on the applicant.

Appeals to an appropriate  
against decisions of the  
Commissioner on  
applications for  
registration.

**12.** Any applicant for registration who is aggrieved by the decision of the Commissioner on his application for registration may, within a period of three weeks reckoned from the date on which for registration notice of such decision was served on such applicant, appeal against that decision to any appropriate Tribunal.

Finality of decisions of the  
Commissioner on  
applications for  
registration.

**13.** The decision of the Commissioner on any application for registration shall, where no appeal against such decision is preferred to an appropriate Tribunal within the period allowed therefor by this Act, be final and conclusive.

PART III  
IDENTITY CARDS

identity cards to be issued to registered persons. **14.** The Commissioner shall, as soon as to practicable after a person becomes a registered person, issue to that person an identity card. Such card

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

(b) shall bear one of the copies of the photograph furnished by that person along with his application for registration; and

(c) shall bear the signature, or a facsimile of the signature, of the Commissioner, the Deputy Commissioner, an Assistant Commissioner, or a Registration Officer or, in lieu of, or in addition to, such signature or facsimile, a distinguishing mark imposed on that card by a machine or other device by or under the authority of the Commissioner.

Identity card to be produced when required. **15.**

(1) The holder of an identity card shall, on a request made by the Commissioner 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 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 the making of an application for the issue of a duplicate 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 subsection (1), there is produced a certificate issued by the 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 an identity card, it shall be presumed, until the contrary is proved by such person, that such person is the holder of such card-

issue of duplicate identity card in case of loss of original. **16.**

(1) Any person who has lost his identity card shall immediately report such loss to the nearest police station, and shall thereafter forthwith apply to the Commissioner for a duplicate of that identity card.

(2) An application for a duplicate of an identity card under this section

(a) shall be made in the prescribed form:

[3, 28 of 1971] (b) shall

(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, bear a stamp or stamps of the value of such fee; or

(ii) if such certificate has been issued to the applicant, have such certificate attached to the application;

(c) shall be signed by the applicant; and

(d) shall be accompanied by a certified copy of the relevant extract of the information book of the police station to which the loss of the original of such card was reported by the applicant, and three unmounted copies of a photograph of the applicant of the prescribed dimensions, specifications, standards and quality.

[3.28 of 1971] (3) Upon the receipt of an application for the issue of a duplicate of an identity card made under and in accordance with the preceding provisions of this section, the Commissioner shall issue such duplicate to the applicant unless he rejects such application upon the ground that the application is not made under and in accordance with the provisions of this Act, or any regulation made thereunder.

Issue of duplicate **17.**  
case of card in  
damage, amp c, of  
original.

(1) Where an identity card is damaged, defaced, or illegible or in danger of becoming illegible, the holder of that card shall forthwith

(a) report that fact in writing to the Commissioner;  
and

(b) apply to the Commissioner for a duplicate of that card.

(2) An application for a duplicate of an identity card under this section

(a) shall be in the prescribed form;

[4.28 of 1971] (aa) shall, (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, bear a stamp or stamps of the value of such fee; or(ii) if such certificate has been issued to the applicant, have such certificate attached to the application;

(b) shall be signed by the applicant; and

[4.28 of 1971] (c) shall be accompanied by three unmounted copies of a photograph of the applicant of the prescribed dimensions, specifications, standards and quality, and the original of that card.

[6.37 of 1971] (3) No application for the issue of a duplicate identity card

shall be refused by the Commissioner except upon the ground that the application is not made under and in accordance with the provisions of this Act, or any regulation made thereunder.

(4) Regulations may be made under this Act providing for the issue by the Commissioner upon the expiration of each such period of time as may be specified therein to the holders of existing identity cards of new identity cards in replacement of such existing cards. Such regulations may contain provisions similar or substantially similar to the provisions made by this Act in relation to the issue of duplicate identity cards.

Recovery of **18.**  
lost identity  
cards.

(1) Where a person who has lost his identity card subsequently recovers possession of that card, such person shall,

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

(b) if a duplicate of that card had been issued to him prior to such recovery, surrender the original of that card to the Commissioner for cancellation within the prescribed period.

(2) Any person who finds an identity card which was not issued to him shall forthwith surrender that card to the Commissioner or the nearest police station.

Surrender of **19.**  
an identity  
card.

(1) In the event of the death of the holder of an identity card, the person having the custody of that card shall forthwith surrender it to the Registrar of Deaths to whom the occurrence of that death is reported, and such Registrar shall, upon such surrender, transmit that card to the Commissioner.

(2) Regulations may be made under this Act providing for the surrender of identity cards by persons leaving Sri Lanka permanently.

Appeals to an appropriate  
Tribunal against decisions of  
the Commissioner on  
applications for duplicates of  
identity cards.

**20.** An applicant for the duplicate of an identity card who is aggrieved by the decision of the Commissioner on such application may, within a period of three weeks reckoned from the date on which notice of such decision was served on such applicant, appeal against that decision to an appropriate Tribunal.

Finality of decisions of the  
Commissioner on applications  
for duplicates of identity  
cards.

**21.** The decision of the Commissioner on any application for a duplicate of an identity card shall, where no appeal against such decision is preferred to an appropriate Tribunal within the period allowed therefor by this Act, be final and conclusive.

Identity card **22.**  
not  
transferable.

(1) The holder of an identity card shall not transfer or assign that



card to any other person, and any such transfer or assignment effected in contravention of the preceding provisions of this section shall be null and void.

[5,28 of 1971] (2) No person shall cause damage to, or deface, or in any way alter or change the character of, any identity card, or make any unauthorized duplicate of such card.

[5, 28 of 1971] (3) Any transferor or transferee, assignor or assignee of an identity card under subsection (1), or any person who has damaged or defaced or in any way altered or changed the character thereof, or made any unauthorized duplicate thereof, under subsection (2), shall be guilty of an offence under this Act, and shall be liable to a fine not exceeding one thousand rupees, or to imprisonment of either description for a term of not less than three months but not more than one year, or to both such fine and imprisonment.

Alteration of **23.**  
identity card

(1) No person, other than the Commissioner or any other officer, acting in the course of his duty as such, shall make any mark, endorsement, or entry upon, or erase, cancel or alter any such mark, endorsement or entry contained in, any identity card, or otherwise deface or destroy such card.

(2) Any mark, endorsement, or entry, or any erasure, cancellation or alteration, referred to in subsection (1) shall be properly authenticated by the Commissioner or other officer responsible therefor.

Not more than **24.** The Commissioner shall not issue more than one identity card to any one identity card person, notwithstanding that such person, whether by inadvertence or to be issued to otherwise, is registered more than once in the Register of Persons; and any person. accordingly any such card issued by the Commissioner in contravention of the preceding provisions of this section shall be invalid and of no effect for the purposes of this Act.

#### PART IV

#### REGISTRATION OF PERSONS TRIBUNALS

Registration of **25.**  
persons  
Tribunals.

(1) The Minister, after consultation with the Minister in charge of the subject of Justice, may, in respect of each district, establish such number of Tribunals to be known as Registration of Persons Tribunals as may be necessary for the purposes of this Act. Any such Tribunal (in this Act referred to as a "Tribunal") may, after like consultation, be abolished by the Minister.

(2) A Tribunal shall consist of one member, and accordingly there may be appointed one person, by name or by office, to be or to act as such member.

Jurisdiction of **26.** Every appeal against the decision of the Commissioner on any a Tribunal application for registration, or for the duplicate of an identity card, made to any appropriate Tribunal may be entertained, heard and determined by such

Tribunal.

Record of proceedings before a Tribunal. **27.** A Tribunal shall keep a record of all such proceedings before the Tribunal as relate to the entertaining, hearing and deciding of every appeal made to the Tribunal under this Act.

Power to summon witnesses. amp c. **28.** A Tribunal shall, for the purpose of entertaining and hearing and deciding every appeal made to the Tribunal under this Act, have all the powers of a District Court

- (a) to summon and compel the attendance of witnesses;
- (b) to compel the production of documents; and
- (c) to administer any oath or affirmation to witnesses.

Persons giving evidence before a Tribunal bound to state the truth. Decision of a Tribunal to contain reasons. **29.** Every person giving evidence on any matter before a Tribunal shall be bound to slate the truth on such matter.

Decision of a Tribunal to contain reasons. **30.** Every decision of a Tribunal on any appeal made to the Tribunal under this Act shall contain the reasons therefor.

Costs of proceedings before a Tribunal. **31.** The decision of a Tribunal on any appeal made to the Tribunal under this Act shall, unless for special reason the Tribunal directs otherwise, contain an order as to the person who is to pay the cost of the proceedings relating to the appeal and shall determine the amount of such costs.

Procedure and practice before a Tribunal. **32.**

- (1) The proceedings before a Tribunal on any appeal made to the Tribunal under this Act shall as far as possible be free from the formalities and technicalities of the rules of procedure and evidence ordinarily or normally applicable to a court of law, and may be conducted by the Tribunal in any manner, not inconsistent with the principles of natural justice, which to the Tribunal may seem best adapted to elicit proof concerning the matters that are being investigated.
- (2) Subject to the provisions of this Act, the practice and procedure to be followed in the making of any appeal to a Tribunal under this Act, and by a Tribunal in the entertaining, hearing and deciding of such appeal, shall be as prescribed by regulations made under this Act.

Decisions by a Tribunal- **33.**

- (1) The decision of a Tribunal on any appeal made to the Tribunal under this Act shall be final and conclusive.
- (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, and also on the appellant, through the Commissioner.

Punishment of contempts- **34.** Every offence of contempt committed against or in disrespect of the authority of a Tribunal shall be punishable by the Court of Appeal under Article 105(3) of the Constitution as though it were an offence of contempt committed against or in disrespect of the authority of that Court.

Failure to obey **35.**

summons, to give evidence, and c.

(1) If any person upon whom a summons is served, or caused to be served, by a Tribunal—

(a) fails without cause, which in the opinion of the Tribunal is reasonable, to appear before the Tribunal at the time and place mentioned in the summons ; or

(b) refuses to be sworn or, having been duly sworn, refuses or fails without cause, which in the opinion of the Tribunal is reasonable, to answer any question put to him during the proceedings on any appeal relating to matters relevant to the appeal;

(c) refuses or fails without cause, which in the opinion of the Tribunal is reasonable, to produce and show to the Tribunal any document or other thing which is in his possession or power and which is in the opinion of the Tribunal necessary for arriving at the truth of the matters relevant to the appeal; or

(d) interferes with the lawful process of the Tribunal, such person shall be guilty of the offence of contempt against or in disrespect of the authority of the Tribunal.

(2) Where a Tribunal determines that a person has committed any offence of contempt (referred to in subsection (1)) against or in disrespect of its authority, the Tribunal may transmit, or cause to be transmitted, to the Court of Appeal a certificate setting out such determination. Every such certificate shall be signed by the Tribunal.

(3) In any proceedings for the punishment of an offence of contempt which the Court of Appeal may think fit to take cognizance of as provided in section 34, any document purporting to be a certificate signed and transmitted to the Court under subsection (2) shall

(a) be received in evidence, and be deemed to be such a certificate without further proof unless the contrary is proved; and

(b) be conclusive evidence that the determination set out in the certificate was made by the Tribunal and of the facts stated in the determination.

(4) In any proceedings taken as provided in section 34 for the punishment of any alleged offence of contempt against or in disrespect of the authority of a Tribunal, the member of the Tribunal shall not, except with his own consent, be summoned or examined as a witness.

## PART V GENERAL

Cost of copies of photographs. **36.**

(1) Subject to the provisions of subsection (3), the cost of the copies of the photograph which are required to accompany any

application for registration or for the issue of the duplicate of an identity card shall be paid by the applicant.

(2) The maximum charge that may be made for three copies of the photograph referred to in subsection (1) by a registered photographer shall be fixed by the Minister by notification published in the Gazette.

(3) Notwithstanding anything to the contrary in subsection (1), the cost of the three copies of the photograph of any person referred to in subsection (1) to whom a certificate of waiver has been issued shall be paid by the Government, and accordingly shall be a charge on the Consolidated Fund.

Waiver of **36A**. The Commissioner, a Government Agent or any divisional Assistant fees. Government Agent

[7, 28 of 1971]

(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 an identity card; and

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

Power of Commissioner, amp **37**.

c, to require applicants for registration or duplicate identity cards to furnish information.

(1) The Commissioner or any other authorized officer may direct an applicant for registration, or for a duplicate of an identity card, to furnish, within such period as may be specified in the direction, the Commissioner or such other officer with such information or documents indicated in the direction relating to the prescribed particulars specified in the application as may be necessary for the purpose of enabling the Commissioner to dispose of the application, and if the applicant fails to comply with such direction, the Commissioner may reject the application.

(2) For the purposes of subsection (1) and of sections 38 and 39, the expression " authorized officer" means any Deputy Commissioner, any Assistant Commissioner, any Government Agent, or Assistant Government Agent or divisional Assistant Government Agent.

Power to require employers to furnish returns regarding persons in their employment.

**38**. For the purpose of ensuring that the provisions of this Act are being complied with, the Commissioner or any other authorized officer may, from time to time, by general or special direction, require any employer to furnish, within such period as may be specified in the direction, to the Commissioner or such other officer a return containing all such particulars relating to the persons in the employment of such employer as may be indicated in the direction, and it shall be the duty of such employer to comply with that direction.

Power of Commissioner or **39**.

authorized officer to require information from persons generally, and to hold inquiries.

(1) The Commissioner, or any other authorized officer,

(a) may direct any person to furnish, within such period as shall be specified in the direction, the Commissioner or such other officer with such information within his knowledge as shall be so specified relating to any other person referred to in the direction, being information which is necessary for the following purposes, namely, the disposal of any application made by such other person under this Act, or for the verification of the correctness of any particulars specified in any such application, or of any return or information made or furnished by such other person under this Act; and

(b) may, from time to time, hold all such inquiries as he may deem necessary for any of such purposes.

(2) For the purposes of any inquiry held under subsection (1), the Commissioner or any other authorized officer, shall have all the powers of a District Court

(a) to summon and compel the attendance of witnesses;

(b) to compel the production of documents; and

(c) to administer any oath or affirmation to witnesses.

(3) Section 142 of the Civil Procedure Code and section 132 of the Evidence Ordinance shall apply to a witness in any proceedings at any inquiry held under subsection (1) as though those proceedings were proceedings before a civil court.

Certificate issued by certain officers for special purposes.

**40.** If in any prosecution for an offence under this Act, there is produced a certificate issued by the Commissioner, a Deputy Commissioner, an Assistant Commissioner, or a police officer of a rank not below that of Assistant Superintendent, to the effect that he is satisfied that the person either against whom the prosecution is instituted, or in respect of whom such offence is alleged to have been committed, is a person

(a) who is liable to registration, it shall be presumed, until the contrary is proved by the defence, that such person is a person of the description referred to in that certificate ; or

(b) who was in any district on a date specified in that certificate, it shall be presumed, until the contrary is proved by the defence, that such person was in that district on that date-

Limitation in regard to prosecutions. **41.** No prosecution shall be instituted in any court for any offence under this Act except with the prior written sanction of the Commissioner.

Proof of instrument issued by the commissioner. **42.**

(1) Every document purporting to be an instrument made or issued by the Commissioner, in pursuance of any provision of this Act, or any regulation made thereunder, and to be signed by him or on his behalf, shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by him.

(2) Prima facie evidence of any instrument referred to in subsection (1) may, in any legal proceedings, be given by the production of a document purporting to be certified to be a true copy of the instrument by, or on behalf of, the Commissioner.

(3) In this section, the expression "instrument" includes any identity card, certificate, direction or other instrument.

Commissioner, and peace officers. **43.** The Commissioner, each Deputy Commissioner, each Assistant Commissioner, every Government Agent, every Registration Officer, every Certifying Officer and every other officer acting under the authority of the Commissioner, shall be deemed to be a peace officer within the meaning of the Code of Criminal Procedure Act for the purpose of exercising any power conferred upon a peace officer by that Act.

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; or

(c) makes more than one such application; or

(d) obtains an identity card by fraud ; or

(e) notwithstanding the provisions of sections 24 and 47, obtains by fraud or otherwise or is in possession of or uses more than one identity card, shall be guilty of an offence under this Act, and shall be liable to a fine not exceeding five hundred rupees.

(2) Any person who abets or incites any other person liable to registration not to make an application for registration as required by this Act shall be guilty of an offence under this Act, and shall be liable to rigorous imprisonment for a term of one year.

(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 be liable to a fine of one thousand rupees,

(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 be liable to a fine not exceeding one thousand rupees, or to imprisonment of either description for a term of not less than three months but not more than one year, or to both such fine and imprisonment.

Burden of proof cast on applicants for registration. **45.** Upon an application made for registration, the burden of proving the truth or accuracy of any particulars furnished, or statement made, in connexion with such application shall lie on the applicant.

The operation of the Immigrants and Emigrants Act not to be prejudiced or affected by this Act. **46.**

(1) The provisions of this Act shall be without prejudice to the operation of the Immigrants and Emigrants Act, and accordingly the fact that a person has applied for registration or is registered in the Register of Persons or is the holder of an identity card shall not, if that person has entered or is remaining in Sri Lanka in contravention of the provisions of the Immigrants and Emigrants Act, be deemed or construed to make lawful his entry or residence in Sri Lanka.

(2) The provisions of this Act shall be without prejudice to the operation of the Citizenship Act, the Indian and Pakistani Residents (Citizenship) Act\* or the Indo-Ceylon Agreement (Implementation) Act, and accordingly the fact that a person has applied for registration or is registered in the Register of Persons or is the holder of an identity card shall not in any manner be held to be proof that such person is or was entitled to citizenship of Sri Lanka under the provisions of any of the citizenship laws referred to in this subsection.

[8,37 of 1971] (3) The provisions of this Act shall be without prejudice to the operation of the Indo-Ceylon Agreement (Implementation) Act, and accordingly the fact that a person has applied for registration or is registered in the Register of Persons or is the holder of an identity card shall not in any way affect the liability of that person for

removal to India from Sri Lanka under section 15 of that Act.

Certain identity cards invalid. **47.** An identity card which has been issued or obtained by means of a false representation, or fraud, or which is not surrendered to the Commissioner under section 18 (1) (b) within the period referred to in that section, shall be invalid and of no effect for the purposes of this Act.

Offences to be triable summarily by a Magistrate. **48.** All offences under this Act shall be triable summarily by a Magistrate.

Liability in case of offences committed by a body corporate or unincorporate. **49.**

- (1) Where an offence under this Act is committed-
- (a) by a body corporate, every person who, at the time of the commission of the offence, was a director, general manager, secretary or other similar officer of the body corporate or was purporting to act-in such capacity; or
  - (b) by a body unincorporate, every person who, at the time of the commission of the offence, was the head or secretary, or a member of the governing board, of that body, or was purporting to act in such capacity, shall be deemed to be guilty of that offence unless he proves that such offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of such offence as he ought to have exercised having regard to the nature of his functions in such capacity and in all the circumstances.

- (2) For the purposes of this section, the term
- (a) " governing board ", in relation to a body unincorporate, means the person or persons for the time being charged with the management or administration of the affairs of that body;
  - (b) " head", in relation to a body unincorporate, means the chairman or president for the time being of that body or, in the absence of a chairman or president, the person who for the time being occupies the position of head, by whatsoever name called, of the management or administration of the affairs of that body; and
  - (c) " secretary", in relation to a body unincorporate, includes any person who for the time being occupies the position of secretary, by whatsoever name called.

offences to be cognizable. **50.** All offences under this Act shall be cognizable offences for the purposes of the application of the provisions of the Code of Criminal Procedure Act, notwithstanding anything contained in the First Schedule to that Act.



Compounding of offences. **51.** The Commissioner may compound any offence under subsection (1) of section 44 by accepting from the person who is alleged to have, or is reasonably suspected of having, committed that offence a sum of money not exceeding half the amount of the maximum fine that is liable to be imposed under this Act on such person for that offence.

Regulations. **52.**

(1) The Minister may make regulations for the purpose of giving effect to the principles and provisions of this Act.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for or in respect of all or any of the following matters:

(a) all matters stated or required by this Act to be prescribed ;

(b) all matters for which regulations are required or authorized by this Act to be made;

<sup>[9,37 of 1971]</sup> (c) all matters relating to the taking of photographs for the purposes of this Act, and in particular

(i) the mode or manner in which photographs may be taken, and the dimensions, specifications, standards and quality of such photographs,

(ii) the registration of persons as photographers for any area or areas in Sri Lanka, and the circumstances in which such registration may be allowed, refused or cancelled,

(iii) the fees payable for registration as a photographer, and

(iv) the procedure to be followed by applicants for registration in obtaining photographs for the purposes of this Act;

(d) the establishment and maintenance of registers and registries; and

(e) all matters incidental to, or connected with, the matters aforesaid.

(3) No regulation made by the Minister under this Act shall come into force until it has been approved by Parliament, and notification of such approval is published in the Gazette.

(4) Every regulation made by the Minister under this Act shall, on its coming into force as hereinbefore provided, be as valid and effectual as if it were herein enacted.

Service of documents. **53.**

(1) Save as otherwise expressly provided in this Act, any document, decision or other matter which is required by or under this Act to be served on, or notified to, any person shall, if it is not served on, or notified personally to, such person, be deemed to have been duly served or notified

(a) if it is left at the usual or last known place of abode or of business of such person, or, in case such person is resident in an estate, if it is left with the Superintendent of that estate for transmission to such person; or

(b) if it is sent to him by post in a registered letter addressed to his last known place of abode or of business, or in case such person is resident on any estate, if it is sent by post in a registered letter addressed to the Superintendent of that estate for transmission to such person.

(2) In this section

(a) the term " document" means any order, notice, or other document by whatsoever name or designation called; and

(b) the term " Superintendent", in relation to any estate, means the person in charge of that estate by whatsoever name or designation called.

Fees, fines and penalties to be **54** All sums paid or recovered by way of fees, fines and Consolidated Fund. penalties under this Act shall be credited to the Consolidated Fund.

Interpretation. **55.** In this Act unless the context otherwise requires

" appointed date " means the 5th day of April 1971;

" appropriate appointed period", in relation to a person liable to registration, means the period within which such person is required, by virtue of the operation of section 7 or any Order made thereunder, to apply for registration under and in accordance with the provisions of this Act;

" appropriate Certifying Officer", in relation to any applicant for registration or any registered person, means the Certifying Officer within whose area of appointment such applicant or person, as the case may be, is ordinarily resident;

" appropriate Tribunal", in relation to an appeal from the decision of the Commissioner on an application for registration or for the duplicate of an identity card, means a Registration of Persons Tribunal for the district from which the application was made;

" Assistant Commissioner" means a person appointed to be, or to act as, an Assistant Commissioner for the Registration of Persons for the purposes of this Act;

" Certifying Officer" means a person appointed to be, or to act as, a Certifying Officer for the purposes of this Act;

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

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

" district" means an administrative district established under the Administrative Districts Act;

" employer" means any person who on his own behalf, or on whose behalf any other person, employs any person, and includes any person who on behalf of any other person employs any person, and in particular in the case of any estate, includes any Superintendent, Assistant Superintendent, Conductor or Kangany;

" Government Agent" means the Government Agent for a district, and includes any Assistant

Government Agent or any Additional Assistant Government Agent, for that district, or any Office Assistant, or any extra Office Assistant, to such Government Agent;

"holder", in relation to an identity card, means a person to whom such card is issued under this Act;

"identity card" means an identity card issued by the Commissioner under this Act, and includes a duplicate thereof so issued;

"person" means an individual;

"person liable to registration" means a person who, under the provisions of this Act, is liable to registration;

"registered person" means a person registered in the Register of Persons under this Act;

"Registration Officer" means a person appointed to be, or to act as, a Registration Officer for the purposes of this Act;

"Register of Persons" means the Register of Persons, and includes any part thereof, opened and maintained by the Commissioner under this Act;

"registered photographer" means a person registered as a photographer under the provisions of any regulation made under this Act;

"registered or registration" means registered, or registration, as the case may be, in the Register of Persons under this Act.