



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

**REGISTRATION OF ELECTORS
(SPECIAL PROVISIONS)**

A

BILL

**to make special provisions to exempt internally displaced persons from
certain requirements of the Registration of Electors Act, No. 44 of 1980;
and to provide for matters connected therewith or incidental thereto.**

Presented by the Minister of Justice on May 03, 2017

(Published in the Gazette on April 11, 2017)

Ordered by Parliament to be printed

[Bill No. 177]

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 6.00

Postage : Rs. 10.00

2—PL 005185— 475 (05/2017)

Registration of Electors (Special Provisions)

L. D.—O. 56/2015.

AN ACT TO MAKE SPECIAL PROVISIONS TO EXEMPT INTERNALLY DISPLACED PERSONS FROM CERTAIN REQUIREMENTS OF THE REGISTRATION OF ELECTORS ACT, NO. 44 OF 1980; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS certain persons have been internally displaced as a result of any actions of a terrorist militant or other group during the recent past: Preamble.

AND WHEREAS the State has formulated a policy to enable internally displaced persons and their children eligible to vote to exercise their right to franchise in the electoral district in which their permanent places of residence were situated prior to being internally displaced:

AND WHEREAS it has now become necessary to make special legal provision in order to give effect to such policy:

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

1. This Act may be cited as the Registration of Electors (Special Provisions) Act, No. of 2017. Short title.

2. (1) Notwithstanding anything to the contrary in the Registration of Electors Act, No. 44 of 1980, and subject to the Article 89 of the Constitution, any citizen of Sri Lanka— Internally displaced persons eligible to be registered.

(a) who is or had been an internally displaced person;

(b) whose name appeared in the register of electors for any electoral district in the Northern Province or Eastern Province for any year, until the end of the year 2009; and

2 *Registration of Electors (Special Provisions)*

- (c) whose name has not been entered in any register in operation subsequent to the year 2009,

shall on proof of the matters specified in paragraphs (a), (b) and (c) and on production of a certificate issued by the Grama Niladhari of the area in which he is presently residing to the effect that he is or had been an internally displaced person, be entitled to the registering officer of the electoral district within which he was permanently resident prior to May 18, 2009, to be registered in the register of electors of such electoral district.

(2) The application referred to in subsection (1), shall be made on or before the date specified by the Election Commission by notice published in the *Gazette* and in at least one newspaper each in the Sinhalese, English and Tamil languages.

(3) Notwithstanding the provisions of subsection (1), the entitlement granted under that subsection shall be extended to the children of a citizen referred to in subsection (1)—

(a) who had not attained the age of eighteen years on the date on which such citizen became an internally displaced person and have attained the age of eighteen years or more on the date on which the revision commenced in respect of the register in operation, at the time in which the application is made;

(b) who are born after such citizen became an internally displaced person and have attained the age of eighteen years or more on the date on which the revision commenced in respect of the register in operation, at the time in which the application is made; and

- (c) whose name has not been entered in any register in operation subsequent to the year 2009,

on production of the birth certificate of such child sought to be registered and a certificate issued by the Grama Niladhari

of the area in which he is presently residing on proof of the matters specified in paragraphs (a) or (b) and (c) above.

3. (1) The registering officer shall prepare a list of names of persons referred to in section 2 and shall give notice in the *Gazette* and in at least one newspaper each in the Sinhalese, English and Tamil languages that such list has been completed and is open for inspection at all reasonable hours of the day at the office of the registering officer.

List of
Claims.

(2) (a) Any person who has applied to be registered in any register of electors for any electoral district in the Northern Province or Eastern Province and whose name has not appeared in the list referred to in subsection (1) may appeal in writing to the registering officer within one week of the notice published in the *Gazette*.

(b) The provisions of subsections (8) to (16) of section 14 of the Registration of Electors Act, No. 44 of 1980 shall *mutatis mutandis* apply to objections and appeals against decisions of the registering officer.

(c) If upon such appeal and inquiry, the registering officer decides not to include the name of such appellant in the Supplementary Register referred to in section 4, the aggrieved appellant may appeal to the revising officer within one week of the decision of the registering officer and the provisions of subsections (2) to (5) of section 15 of the Registration of Electors Act, No. 44 of 1980 shall *mutatis mutandis* apply to an appeal made under this paragraph.

4. The registering officer of each Electoral District shall prepare and certify a Supplementary Register containing the names of the persons whose names appear in the list prepared under section 3 after inquiry and adjudication if any, and finalize such Register in terms of that section:

Supplementary
Register.

Provided that the registering officer may certify the Supplementary Register during the pendency of an appeal

4 *Registration of Electors (Special Provisions)*

to the revising officer and shall thereafter enter in, or expunge from, such Register, the name of any person in accordance with the decision of the revising officer on the determination of such appeal.

5 **5.** (1) No person whose name appears in the Supplementary Register shall be entitled to have his name entered in any other register of electors notwithstanding that he may be qualified to have his name entered in two or more registers. Offences.

10 (2) No person shall be entitled to have his name entered more than once in the same register, notwithstanding that he may be qualified to have his name so entered.

15 (3) Notwithstanding the provisions of this Act, if a person whose name appears in the Supplementary Register has his name appearing in any other register of electors and uses his vote in two or more electoral districts, he shall be guilty of an offence and shall on conviction before a Magistrate be liable to imprisonment for a term not exceeding two years or to a fine not exceeding Rupees One Hundred Thousand or
20 to both such imprisonment and fine.

(4) Any person referred to in section 2, who furnishes false information or forged documents for any purpose referred to in this Act, shall be guilty of an offence and shall on conviction before a Magistrate be liable to imprisonment
25 for a term not exceeding one year or to a fine not exceeding Rupees fifty thousand or to both such imprisonment and fine.

6. This Act shall be in force for a period of four years commencing from the date of commencement of this Act. Period of operation of the Act.

30 **7.** 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.

8. In this Act—

Interpretation.

“Election Commission” means the Election Commission established under Article 103 of the Constitution;

5 “internally displaced person” means a citizen of Sri Lanka who was permanently resident in the Northern Province or Eastern Province and who was forced or obliged to leave from his residence at any time prior to May 18, 10 2009, as a result of any action of terrorist militant or other group, and currently resides in Sri Lanka outside his original place of residence in the Northern Province or Eastern Province or had re-settled in his 15 original place of residence subsequent to the date on which the revision of the register of electors for the year 2012 commenced;

“registering officer” has the same meaning as in the Registration of Electors Act, No. 44 of 20 1980;

“Register in operation” has the same meaning as in the Registration of Electors Act, No. 44 of 1980;

25 “revising officer” has the same meaning as in the Registration of Electors Act, No. 44 of 1980.

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