



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

GRANT OF CITIZENSHIP TO STATELESS
PERSONS (SPECIAL PROVISIONS)
ACT, No. 39 OF 1988

[Certified on 11th November, 1988]

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*Grant of Citizenship to Stateless Persons
(Special Provisions) Act, No. 39 of 1988*

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L.D.—O.70/88

AN ACT TO PROVIDE FOR THE GRANT OF STATUS OF SRI LANKA
CITIZEN TO CERTAIN STATELESS PERSONS OF INDIAN ORIGIN

WHEREAS the preamble to the Grant of Citizenship to Stateless Persons Act, No. 5 of 1986, states that the Government of India had agreed to grant Indian Citizenship to 506,000 persons of Indian origin residing in Sri Lanka, within six to eight months of the dates of enactment of the said Act : Preamble.

AND WHEREAS the Government of India has to date granted Indian Citizenship to 422,000 of such persons who have applied to the Indian High Commission for the grant of Indian Citizenship and will be granting Indian Citizenship to the balance 84,000 persons and accepting their repatriation to India :

AND WHEREAS, under the Grant of Citizenship to Stateless Persons Act, No. 5 of 1986, the Government of Sri Lanka is obliged to grant citizenship to 469,000 persons of Indian origin, and also to any residue of stateless persons of Indian origin in Sri Lanka :

AND WHEREAS, the Government of Sri Lanka has to date granted Sri Lanka Citizenship to 236,000 persons of Indian origin and is obliged to grant citizenship to the remainder :

AND WHEREAS, it appears from the said Act that the Government of Sri Lanka had resolved to solve the problem of Statelessness within eighteen months of the enactment of the Said Act :

AND WHEREAS, due to various unforeseen circumstances, the said obligations could not be fulfilled during the aforesaid period :

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

1. This Act may be cited as the Grant of Citizenship to Stateless Persons (Special Provisions) Act, No. 39 of 1988.

Short
title.

Grant of
Citizenship
to certain
Stateless
persons.

2. Notwithstanding the provisions of any other law every person who—

- (a) is of Indian origin lawfully resident in Sri Lanka ;
- (b) is stateless ; and
- (c) is not within the 506,000 persons referred to in the Grant of Citizenship to Stateless Persons Act, No. 5 of 1986, who have applied to the Indian High Commission for the Grant of Indian Citizenship, and the children born to them after October 30, 1964,

shall have the status of Citizen of Sri Lanka with effect from the date of the commencement of this Act and shall be entitled to all the rights and privileges to which other citizens of Sri Lanka are entitled to by law.

Status of
persons
who
become
citizens
under this
Act.

3. (1) Every person who is a citizen of Sri Lanka by reason of the operation of section 2—

- (a) shall be subject to the same obligations and liabilities in law as citizens of Sri Lanka, including the provisions of law relating to the liability to loss or deprivation of citizenship, and the renunciation of citizenship, in like manner and to the same extent as other citizens of Sri Lanka ;
- (b) shall be deemed in law to have renounced all rights to the civil and political status such person may have had, or would but for this Act have had, under any law in force in the territory of the origin of such person or such person's parent, ancestor or husband, as the case may be ; and
- (c) shall, in all matters relating to, or connected with, status, personal rights and duties, and property in Sri Lanka, be subject to the laws of Sri Lanka.

Certificate
of
Citizenship.

4. (1) Any person who is a citizen of Sri Lanka by reason of the provision of section 2 of this Act may if he so desires, apply to the Commissioner for a Certificate of Citizenship substantially in the form set out in Schedule A to this Act and the Commissioner shall, subject to the provisions of subsection (3) of this section, issue a certificate within sixty days of the receipt of such application by him, and such certificate shall be substantially in the Form set out in Schedule B to this Act.

(2) Such application shall be accompanied by a declaration under oath or affirmation substantially in the form set out in Schedule A to this Act.

(3) In respect of persons born prior to October 30, 1964, the Commissioner is empowered to issue certificates under this Act only to the balance of the 469,000 persons to whom certificates have not been issued under the Indo-Ceylon Agreement (Implementation) Act, No. 14 of 1967, on the date of commencement of this Act. He shall obtain the prior approval of the Minister for the issue of a certificate under subsection (1) to any person in excess of this number.

(4) No person shall require the production of a Certificate referred to in subsection (1) for any purpose and an affidavit shall be accepted as prima facie evidence of the facts stated therein.

5. Any person who knowingly makes a declaration which is false with regard to any particular, required to be stated in an application made under section 4, shall be guilty of an offence under this Act, and shall on conviction by a Magistrate after summary trial be liable to imprisonment not exceeding one year or to a fine not exceeding rupees five thousand or to both such fine and imprisonment, and the Magistrate shall, if he is satisfied that the Certificate issued on the faith of such declaration would not have been issued but for such false statement in such declaration, make order cancelling such Certificate.

Offences.

6. In this Act—

Inter-pretation.

“the Commissioner” means the Commissioner for the Registration of Persons of Indian Origin appointed under the Indo-Ceylon Agreement (Implementation) Act, No. 14 of 1967.

**Grant of Citizenship to Stateless Persons
(Special Provisions) Act, No. 39 of 1988**

SCHEDULE A [Section 4]

Application for a Certificate of Citizenship under section 4 of
the Grant of Citizenship to Stateless Persons (Special Provisions)
Act, No. 39 of 1988

I, do hereby apply under section 4 of the Grant of citizenship to Stateless persons (Special Provisions) Act, No. 39 of 1988 for the issue of a Certificate of Citizenship.

2. I declare that I am a person of Indian Origin lawfully resident in Sri Lanka and that I have not applied at any time to the Indian High Commission for the grant of Indian Citizenship and that I do not belong to the category of the 506,000 persons referred to in the Grant of Citizenship to Stateless persons Act, No. 5 of 1986, or their issue.

3. I am fully aware of the offences and the penalties referred to in section 5 of the Grant of Citizenship to Stateless Persons (Special Provisions) Act, No. 39 of 1988.

4. I append hereto the particulars relating to myself in order to enable the issue of the Certificate of Citizenship applied for.

5. Particulars :

(1) Full name and other names : _____.

(In Block capitals) : _____

(2) Father's name : _____.

(3) Mother's name : _____.

(4) Sex : _____.

(5) Identity Card Number, if available : _____.

(6) Residential address : _____.

(7) Occupation and address at occupation : _____.

(8) Date of birth : _____.

(if date of birth is not given, state approx. year of birth)

(9) Place of birth : _____.

(if born outside Sri Lanka state date of first arrival in Sri Lanka).

(10) Civil states : _____.

(married/single/widower/divorce living in separation):

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- (11) Full name of spouse :———.
- (12) If not born in Sri Lanka, addresses of residence and employment/occupation for the last twenty years :———.
- (13) If applied for Sri Lanka Citizenship under the Indo-Ceylon Agreement, state address from which application was made, and reference number assigned to it if available :———.

DECLARATION

I do solemnly, sincerely and truly declare and affirm/swear that the foregoing particulars stated in this application are true and I make this statement conscientiously believing the same to be true.

.....
Signature or thumb impression of applicant.

Date :———.

Affirmed/Sworn at this day of 19 .. before me.

.....
Signature of Justice of the Peace or
Commissioner of Oaths.

Name of the Justice of the Peace or Commissioner of Oaths :—

.....

SCHEDULE B

[Section 4]

Grant of Citizenship to Stateless Persons (Special Provisions) Act

Certificate of Citizenship of Sri Lanka under section 4 of the Grant of Citizenship to Stateless Persons (Special Provisions) Act, No. 39 of 1988 :

Whereas has duly applied to the Commissioner for the Registration of Persons of Indian origin for a certificate of citizenship as provided for by section 4 of the said Act, alleging with respect to himself (herself) the particulars set out below :—

Now therefore, in pursuance of the powers conferred on him by the said section 4, the Commissioner for Registration of Persons of Indian origin certifies that the said..... is a citizen of Sri Lanka under the said section 2.

In witness whereof I have hereunto subscribed my name.

.....
Commissioner for the Registration of Persons
of Indian Origin.

Date :———.

Department for the Registration of Persons of Indian Origin,
Colombo.

6. **Grant of Citizenship to Stateless Persons
(Special Provisions) Act, No. 39 of 1988**

PARTICULARS RELATING TO APPLICANT

Name : _____.

Father's name : _____.

Address : _____.

Trade or Occupation : _____.

Place and Date of Birth : _____.

Sex : _____.

Identity Card No : _____.

Name of Wife/Husband : _____.