



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

**GRANT OF CITIZENSHIP TO PERSONS OF INDIAN
ORIGIN**

A

BILL

**to make provision for the grant of status of Sri Lanka Citizen to Persons
of Indian Origin**

*Presented by the Minister of Interior and Christianity
Affairs on 23rd September, 2003*

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[Bill No. 153]

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*Grant of Citizenship to Persons of Indian
Origin*

L.D.—O. 29/2003.

AN ACT TO MAKE PROVISION FOR THE GRANT OF STATUS OF SRI LANKA
CITIZEN TO PERSONS OF INDIAN ORIGIN

WHEREAS the Exchange of Letters between the Government of Sri Lanka and the Government of India relating to the status of persons of Indian origin in Sri Lanka and the future of such persons, was effected in New Delhi on October 30, 5 1964 (published as Treaty Series No. 5 of 1964) and a further Exchange of Letters between the Government of Sri Lanka and the Government of India relating to the status of persons of Indian origin in Sri Lanka and the future of such persons, was effected in New Delhi on January 27, 1974 (published as 10 Treaty Series No. 1 of 1974) referred to as the Indo-Ceylon Agreement of October 30, 1964 and January 27, 1974 respectively :

AND WHEREAS the Government of Sri Lanka and the Government of India, agreed to solve the problem of 15 statelessness within a period of fifteen years from the date of the said Agreement :

AND WHEREAS the obligation undertaken in pursuance of the aforesaid Agreement, has not been fulfilled, due to certain unforeseen circumstances and notwithstanding the provisions 20 of the Grant of Citizenship to Stateless Persons Act, No. 5 of 1986 and the Grant of Citizenship to Stateless Persons (Special Provisions) Act, No. 39 of 1988, of the 506,000 persons of Indian Origin, some were not granted Indian Citizenship and some were granted citizenship, but continued 25 to reside in Sri Lanka :

AND WHEREAS it is in the national interest that the problem of citizenship of persons of Indian Origin should be solved

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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
5 Persons of Indian Origin Act, No. of 2003.

2. Any person of Indian origin, who, on the date of the coming into operation of this Act,-

(a) has been a permanent resident of Sri Lanka since October 30, 1964 ; or

10 (b) is a descendent, resident in Sri Lanka, of a person who has been a permanent resident of Sri Lanka since October 30, 1964,

shall be granted the status of a citizen of Sri Lanka, with effect from such date and be entitled, in like manner and to the same extent, to all the rights and privileges to which a
15 citizen of Sri Lanka is entitled to, by law :

Provided however, the grant of the status of a citizen of Sri Lanka to a permanent resident, who on the date of coming into operation of this Act, holds an Indian Passport or other
20 similar document, shall be effective only on his forwarding to the Commissioner a declaration in the special form of declaration set out in the Schedule, stating his intention to voluntarily acquire citizenship of Sri Lanka. and upon such declaration being acknowledged by the Commissioner in
25 writing.

3. Every person, who by virtue of the provisions of section 2, acquires the status of citizen of Sri Lanka, shall—

(a) in addition to being entitled to the rights and privileges of a citizen of Sri Lanka, as recognised by
30 law, be subject to the provisions relating to deprivation and loss of citizenship and renunciation of citizenship. in like manner and to the same extent as would be applicable to any citizen of Sri Lanka ; and

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- (b) from and after the coming into operation of this Act, be deemed to have renounced all rights to the civil and political status which such person may be entitled to, or would have been entitled to, under any law in force in the country of origin of such person or such person's parent, ancestor or husband, as the case may be, but for the promulgation of this Act ; and
- (c) in all matters relating to, or connected with, status, personal rights, duties and holding of property in Sri Lanka, be subject to the relevant laws of Sri Lanka.

4. (1) Any person who becomes a citizen of Sri Lanka by virtue of the provisions of section 2, 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. Every application shall be accompanied by the general form of declaration made under oath in the form set out in the same Schedule.

(2) The Commissioner shall within **sixty** days from the date of receipt by him of an application ~~under subsection~~ (1), issue to the applicant a Certificate, which shall be substantially in the ~~form~~ set out in **Schedule B** to this **Act**.

(3) The Commissioner shall issue a Certificate under this section only to persons who have not been issued with a Certificate under the Indo-Ceylon Agreement (Implementation) Act, No. 14 of 1967 and the Grant of Citizenship to Stateless Persons (Special Provisions) Act, No. 39 of **1988**.

(4) No person shall be required, other than by a Court of competent jurisdiction, to produce the Certificate issued in terms of subsection (1) for any purpose ~~whatsoever~~ and an affidavit shall be tendered in proof thereof, which affidavit shall be acceptable as *prima facie* proof thereof.

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5. This Act shall prevail notwithstanding anything to the contrary in any other law relating to the grant of status of Citizen of Sri Lanka.

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

7. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

SCHEDULE A

[Sections 2 and 4]

GRANT OF CITIZENSHIP TO PERSONS OF INDIAN ORIGIN ACT, NO. OF 2003.

APPLICATION FOR A CERTIFICATE OF CITIZENSHIP

1. I..... being the **applicant*/a** parent* of a **minor** child hereby apply for a certificate of citizenship for **myself*/my** child' aforementioned,* in terms of section 4 of the aforesaid **Act**.
2. I hereby declare that I **am*/my** child aforementioned is*a citizen of **Sri Lanka** by virtue of the provisions of section 2 of the aforesaid **Act**.
3. I set out below particulars relating to myself*/my child aforementioned*:-
 - (a) Full Name :
 - (b) Address :
 - (c) Sex : **Male/Female** :
 - (d) Date of birth :
 - (e) Place of birth :
 - (f) If born outside Sri Lanka, place
of registration of **birth** :
 - (g) Particulars of parents—

Father	Mother
Name :	Name :
Whether citizen of Sri Lanka :	Whether citizen of Sri Lanka :

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N.I.C No. (if any) :
Residential Address :

N.I.C No. (if any) :
Residential Address

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

* delete whichever is inapplicable

FORM OF GENERAL DECLARATION

4. I declare that I **am*/my** child aforementioned is, a resident of Sri Lanka and of no other Country.

I do solemnly, sincerely and truly declare and **affirm/swear** that the foregoing particulars are, to the best of my knowledge **true**.

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

Date :

* **Affirmed*/Sworn** atthis day of, before me.

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

Name and address of the Justice of the Peace
or Commissioner for Oaths :

Date :

* delete whichever is inapplicable

FORM OF SPECIAL DECLARATION

5. (a) I declare that although I voluntarily acquired citizenship of **India**, I am and have been a permanent resident of Sri **Lanka** since October 30, 1964 and of no other country and hereby **voluntarily** acquire citizenship of Sri Lanka and continue to reside in Sri Lanka.

(b) I declare that I **am*/my** child **aforementioned** is a resident of Sri Lanka and of no other country.

Special declaration under Section 2 of the Grant of Citizenship of Persons of Indian Origin Act No.....of 2003

I.....of.....
....., a person of Indian Origin , do hereby **solemnly**, sincerely and truly declare and affirm that the following **particulars** are to the best of my knowledge **true**.

That I am the declarant abovenamed.

I declare that **although** I voluntarily acquired **citizenship** of India I am and have been a permanent resident of Sri Lanka **since October 30, 1964** and of no **other** country and hereby **voluntarily** acquire **citizenship of Sri Lanka** and continue to reside in Sri Lanka.

I declare that I am/my child/children is a /are **resident** of Sri Lanka and of **no other** country.

.....
Signature or thumb impression of applicant

Date:

Affirmed/Sworn at... this..... day of..... Before me

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

The Commissioner for the Registration of Persons of Indian Origin,
Department Immigration & Emigration,
Station Road,
Colombo 4.

Acknowledgemeat of Special Declaration under Section 2 of the Grant of Citizenship of Persons of Indian Origin Act No.....of 2003

I hereby acknowledge receipt from.....
of..... **the Special Declaration** made under
Section 2 of the Grant of Citizenship to Persons of Indian Origin Act No..... of **2003** declaring
that he/she ~~is~~ voluntarily **acquired** the citizenship **of Sri Lanka**.

Commissioner

Date:

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I do solemnly, sincerely and truly declare and affirm*/swear that the foregoing particulars are, to the best of my knowledge true.

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

Date :

*Affirmed/*Sworn at.....this day of....., before me.

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

Name and address of the Justice of the Peace*
or Commissioner for Oaths :.....

Date :.....

* delete whichever is inapplicable

SCHEDULE B

[Section 4]

GRANT OF CITIZENSHIP TO PERSONS OF INDIAN ORIGIN ACT, NO. OF 2003.

CERTIFICATE OF CITIZENSHIP

By virtue of the powers vested in me by the provisions of section 4 of the aforesaid Act, I, Commissioner for the Registration of Persons of Indian Origin do hereby certify that..... of.....

(State name)

(State address)

is a citizen of Sri Lanka by virtue of the provisions of section 2.

PARTICULARS RELATING TO CITIZEN

Name :

Name of Parent (s) who is a citizen*/who are citizens :

(1)S.....

(2)

Date and place of birth :

Sex :

Identity Card No. (if any) :.....

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

Date :

* delete whichever is inapplicable