APPENDIX- II
THE INDIAN AND PAKISTANI RESIDENTS (CITIZENSHIP) ACT, 1949

Short title and date of operation
1. This Act may be cited as the Indian and Pakistani Residents (Citizenship) Act, No. 3 of 1949, and shall come into operation on such date as may be appointed by the Minister by order published in the Gazette.
2. Notwithstanding anything in any other law, an Indian or Pakistani resident to whom this Act applies may registration, upon the conditions and in the manner application of Act
3. (1) This Act shall, subject to the provisions of section 4, apply solely to those Indian or Pakistani residents in Ceylon who are possessed of the special residential qualification, which in each case shall consist:-
   (a) in the first instance, of uninterrupted residence in Ceylon, immediately prior to the first day of January, 1946, for a period not hereinafter specified; and
   (b) secondly, of uninterrupted residence in Ceylon from the aforesaid day to the date of the application made in that case for registration under this act.
   (2) The appropriate minimum period of uninterrupted residence required by paragraph (a) of subsection (1) shall:-
      (a) in the case of a person who is unmarried at the date of his application for registration, or in case of a married person whose marriage has been dissolved by or divorce prior to that date, be a period of ten year; and
      (b) in the case of any married person (not being a married person referred to in paragraph(a) of this subsection) be a period of seven years.
   (2A) for the purposes of this Act, the continuity of residence of an Indian or Pakistani resident shall be deemed to have been uninterrupted notwithstanding his absence from Ceylon for any period:-
(a) If he was, during that period, in the employment of the Government of Ceylon and resident in another country for the purpose of such employment; or
(b) if, having become while in Ceylon a member or an employee of any of His Majesty's forces, he was during that period on service in any other country as such member of employee.

(3) For the purposes of this Act (and without prejudice to the provisions of subsection (2A), the continuity of residence of an Indian or Pakistani in Ceylon shall, notwithstanding his occasional absence from Ceylon, be deemed to have been uninterrupted if, but only if, such absence did not on any one occasion exceed twelve months in duration.

Scope of privilege conferred by this Act

4. (1) Any Indian or Pakistani resident to whom this Act applied may, irrespective of age or sex, exercise the privilege of procuring registration as a citizen of Ceylon for himself or herself, and shall be entitled to make application therefore in the manner hereinafter prescribed; Provided that any such Indian or Pakistani resident, being either
(i) a married woman who is not living apart from her husband in accordance with a duly executed deed of separation or a decree of separation pronounced by competent court, or
(ii) a minor who is dependent on his father or on his widowed or unmarried mother,

Shall not exercise the aforesaid privilege independently of the husband or the father or the mother, as the case may be, or be entitled to make a separate application for registration.

(2) In the exercise of the aforesaid privilege:-
(a) a male Indian or Pakistani resident, if he is married, may procure, in addition to his married, may procure, in addition to his own registration, the registration of his lawful wife (whether or not she is herself possessed of the special residential qualification) or of any legitimate minor child born to him of that or any previous marriage or any minor child borne by his wife prior to that marriage, who may be ordinarily resident in Ceylon and dependent on him; and
(b) a female Indian or Pakistani resident to whom the proviso to subsection (1) does not apply, if she is herself possessed of the special residential qualification, massy procure in addition to her own registration, the registration of any minor child of hers who may be ordinarily resident in Ceylon and dependent on her.

(3) where any Indian or Pakistani resident has died after acquiring the qualification specified in paragraph (a) of section 3(1) and while continuing to have uninterrupted residence in Ceylon as defined in section 3(3) from the first day of January, 1946, until the date of his death, the privilege that such Indian or Pakistani resident might, if alive, have exercised under this act, shall be extended to each person whose registration such Indian or Pakistani resident could have procured under sub-section (2), and may accordingly, be exercised: 

(a) in any case where such Indian or Pakistani resident was a male, by his widow (notwithstanding that she may herself be possessed of the special residential qualification) and by each legitimate minor child of his who is not dependent on the widow if at the time of his death the widow was not living apart from him in accordance with a duly executed deed of separation or decree of separation pronounced by a competent court or such child was ordinarily resident in Ceylon and dependent on him, and if such widow or child has continued to be resident in Ceylon after his death to the date of any application for registration that such widow or child may decide to make under this Act; and

(b) in any case where such Indian or Pakistani resident was a female, by each minor child of hers, if such child was ordinarily resident in Ceylon and dependent on her at the time of her death and had continued to be resident in Ceylon after her death to the date of application as aforesaid. The privilege extended to a widow or a minor by the preceding provisions of this sub-section is hereinafter referred to “the extended privilege”.

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(4) No application purporting to be made under this Act by any person, other than an Indian or Pakistani resident entitled to exercise the privilege or a widow or a minor entitled to exercise the extended privilege hereinbefore referred to, shall be entertained in any circumstances or on any ground whatsoever.

Section 5 is not related to the present study. Condition of allowing applications

6. It shall be a condition for allowing any application for registration under this act that the applicant shall have:

(1) first proved that the applicant is an Indian or Pakistani resident and as such entitled by virtue of the provisions of section 3 and 4 to exercise the privilege of procuring such registration, or that the applicant is the widow or orphaned minor child of an Indian or Pakistani resident and as such entitled by virtue of those provisions to exercise the extended privilege of procuring such registration; and

(2) in addition, except in the case of an applicant who is a minor orphan under fourteen years of age, or of an applicant who is a student at any university or any Government or Assisted School, or at any other educational institution approved by the Minister, produced sufficient evidence (whether as part of the application or at any subsequent inquiry ordered under this Act) to satisfy the Commissioner that the following requirements are fulfilled in the case of the applicant, namely:

(i) that their applicant is possessed of an assured income of a reasonable amount, or has some suitable business or employment or other lawful means of livelihood, to support the applicant and the applicant's dependants, if any,

(ii) where the applicant is a male married person (not being a married person referred to in paragraph(a) of section 3(2), that his wife was uninterruptedly resident in Ceylon from a date not later than the first anniversary of the date of her marriage and until the date of the application, and in addition, that each minor child dependent on the applicant was uninterruptedly resident in Ceylon from a date not later than the first anniversary of the date of the child's birth and until the date of the application;

(iii) that the applicant is free from any disability or incapacity which may render it difficult or impossible for the applicant to live in Ceylon according to the laws of Ceylon;
(iv) that the applicant clearly understands that, in the event of being registered as a citizen of Ceylon;

(a) the applicant will be deemed in law to have renounced all rights to the civil and political status the applicant has had, or would, but for such registration in Ceylon have had, under any law in force in the territory of origin of the applicant or the applicant's parent, ancestor or husband, as the case may be, and

(b) in all matters relating to or connected with status, personal rights and duties and property up Ceylon, the applicant will be subject to the laws of Ceylon.

Nothing in the preceding paragraph (2)

(ii) Shall require or be deemed to require that any wife or minor child should have been resident in Ceylon at any time prior to January 1, 1939.

For the purposes of the preceding paragraph (2) (ii), the continuity of residence of the wife or a minor child of an applicant shall notwithstanding her or his occasional absence from Ceylon be deemed to have been uninterrupted if such absence did not on any one occasion exceed twelve months in duration.

For the purpose of the preceding paragraph (2) (ii), the continuity of residence of the wife or a minor child of an applicant shall not be deemed to have been interrupted by reason that she or he was not resident in Ceylon during the period commencing on December 1, 1941, and ending on December 31, 1945, or during any part of that period, if the commissioner is satisfied that she or he did not reside in Ceylon during that period or part there of owing to apprehension of enemy action in or against Ceylon or owing to special difficulties caused by the existence of a state of war.

Section 7 and 8 are not related to the present study.

Registration of widow or children of deceased applicant

8A. - (1) Where any person who has made an application for registration under this Act dies before an order is made by the Commissioner allowing or refusing the application, then if, but only if, the applicant had prior to the death duly made a request under section
7 for the registration, simultaneously with the applicant, of any other person or persons, the Commissioner shall proceed with the consideration of the application notwithstanding the death in order to determine whether or not the applicant if alive would have been entitled to registration under this Act; and if the final determination upon the application is that the applicant would have been so entitled, each person for whose registration a request had been duly made by the applicant shall be registered under this Act.

(2) The succeeding provisions of this Act shall, in their application in relation to any case referred to in subsection (1) of this section, have effect subject to the following modifications:

(a) Any notice or other document required under any such provision to be served on the applicant shall be served on his widow if a request for her registration had been made by the applicant, and in any other case shall be served on such person or persons as may be specified in that behalf by regulations which are hereby authorised to be made for the purpose under section 21.

(b) Every reference in any such provision to the applicant shall be construed as a reference to the person or each person to whom notices are required as provided in paragraph (a) of this subsection to be served, and accordingly such person or each such person shall have the right to prefer an appeal to the Supreme Court as though he were the applicant.

(c) Where registration is to be effected in pursuance of the provisions of subsection (1), a certificate of registration shall be issued to such person or to each such person as may be specified in that behalf by regulations which are hereby authorised to be made in that behalf under Section 21.

Section 9 to 14 is not related to the present study.

Appeals, etc.

15. (1) An appeal against an order refusing or allowing an application for registration may be preferred to the Supreme Court in the prescribed manner by the applicant or, as the case may be, by the person who lodged any objection which has been overruled by the order.
(2) Each appeal under this section shall be preferred within three months of the date of the order by means of a petition setting out the facts and the grounds of the appeal.

(3) The date on which an order allowing an application takes effect shall:

(a) where an appeal has been preferred, be the date on which the Supreme Court affirms such order or makes or directs the Commissioner to make such order and

(b) Where an appeal has not been preferred, be the date next succeeding the day on which the time for appeals, specified in subsection (2), expires. Registration and issue of certificate and notification.

16(1) As soon as may be after an order allowing as application takes effect, the Commissioner shall:

(a) Cause the applicant to be registered as a citizen of Ceylon in a book to be kept for that purpose in prescribed form;

(b) Issue to the applicant a certificate of registration in the prescribed form; and

(c) Publish in the Gazette a notification in the prescribed form setting out the fact of the registration of that applicant as a citizen of Ceylon.

(2) Where in any application which is allowed, a request for the registration of the wife or of any minor child of the applicant has been included or of any minor child of the applicant has been included or where such request has been made by a subsequent letter, as hereinbefore provided, the name of the wife or of the child shall also be included in the registration entry, the certificate of registration and the notification made or issued under subsection (1) in respect of that applicant.

Status of persons who are registered under this Act and have subscribed the oath or affirmation of citizenship

17. (1) Every Indian or Pakistani resident registered as a citizen under this Act shall, as soon as may be after the date of his registration, subscribe the oath or affirmation of citizenship in the prescribed form, and shall thereupon be entitled to the same rights and be subject to the same obligations and liabilities, in law, as persons registered as citizens.
under any other law in force relating to the registration of persons other than Indian or Pakistani residents as citizens of Ceylon; and the provisions of such other law; so far as they relate to the liability to loss or deprivation or citizenship, and the renunciation of citizenship in the case of persons registered as citizens there under, shall apply in like manner in the case of Indian or Pakistani residents registered as citizens under this Act.

(2) The requirements of subsection (12) as to the oath or affirmation of citizenship shall not apply in the case of any person under the age of fourteen years; and accordingly such person shall have the status of a citizen of Ceylon with effect from the date of the certificate of registration relating to him.

Sections 18 to 21 are not related to the present study.

Interpretation

22. In this Act, unless the context otherwise requires:

"Appointed date" means the date appointed by the Minister by Order under section I as the date on which this Act is to come into operation;

"Commissioner" means the Commissioner for the Registration of Indian and Pakistani Residents referred to in section 18 and includes a Deputy Commissioner;

"Indian or Pakistani resident" means a person;

(a) whose origin was in any territory which, immediately prior to the passing of the Indian Independence Act, 1947, of the Parliament of the United Kingdom, formed part of British India or any Indian State, and

(b) who has emigrated there from and permanently and includes-

(i) a descendant of any such persons; and

(ii) any person permanently settled in Ceylon, who is a descendant of a person whose origin was in any territory referred to in the preceding paragraph(a).

"the special residential qualification" means the qualification of uninterrupted residence in Ceylon required by section 3.