THE CITIZENSHIP LAW OF THE REPUBLIC OF SRI LANKA (CEYLON)

By

L. L. T. PEIRIS, C.A.S. (Retired)

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(A STUDY OF THE CITIZENSHIP ACT)

BY

L. L. T. PEIRIS, C. A. S. (Retired)

Formerly Assistant Secretary, Citizenship Division, Ministry of Defence & Foreign Affairs, Government of Sri Lanka (Ceylon).

DEDICATION

THIS BOOK IS DEDICATED TO THE PRIME MINISTER OF THE REPUBLIC OF SRI LANKA (CEYLON) TO WHOM THE SUBJECT OF CITIZENSHIP HAS BEEN STATUTARILY ASSIGNED.

FOREWORD

I take much pleasure in writing a foreword to this study of the citizenship law of the Republic of Sri Lanka. Mr. L. L. T. Peiris retired from the Sri Lanka Administrative Service in November, 1973, after a long and successful career, of which the last dozen years was in the capacity of an Assistant Secretary of the Ministry of Defence and Foreign Affairs in charge of the Citizenship Division.

I congratulate and thank Mr. Peiris for having provided with the help of examples, a lucid explanation of the law, which would be of great value not only for officials, who might be called upon to examine and comment on questions of citizenship but also for any general reader or student, who might wish to be enlightened on the subject.

SIRIMA R. D. BANDARANAIKE,
Prime Minister
of the Republic of Sri Lanka

Prime Minister's Office,
Colombo 1,
Sri Lanka,
July 1, 1974.

PREFACE BY THE AUTHOR

THIS little study is intended to convey to the reader, as briefly and lucidly as possible, some information and observations on the various provisions of the Sri Lanka (Ceylon) Citizenship Act. It is not intended to convey any legal interpretations of the citizenship law or to carry the impression that it contains, on any controversial matter, the official views of the Government, by reason of the author's association with the Citizenship Division of the Ministry of Defence and Foreign Affairs. However, the author acknowledges the fact that any information or clarification he has been able to give in this work is solely due to the knowledge and experience he gained by a long tenure of office in the Ministry.

The author also wishes to add that this study would never have been attempted but for the suggestion made and the encouragement given by Mr. W. T. Jayasinghe, the present Secretary to the Ministry of Defence and Foreign Affairs, with whom the author was privileged to work for nearly ten years.

To him the author offers his sincere thanks.

The name "Ceylon" has been used in this study, instead of of the term "Republic of Sri Lanka" or the term "Sri Lanka", to suit the context and be consistent with the term appearing in the Citizenship Act, as it now stands.

Colombo, April, 1974.

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CHAPTER ONE

THE DAWN OF THE CITIZENSHIP LAW

IN ancient times the idea of citizenship meant the rights of an inhabitant of a city. It gradually assumed the larger meaning of the rights of a member of a state. The ambit of its meaning continued to grow and today the term citizenship has the same connotation as the term nationality. It is a good example of a semantic change just as the name Roman, which originally meant an inhabitant of the city of Rome, later came to mean an inhabitant of the whole of Italy.

2. In Sri Lanka, as in any other part of the world, the idea of citizenship is as old as its civilisation. But its historical background, so far as the present concept is concerned, dates back to the negotiations between the leaders of Sri Lanka and the British Government which preceded the grant of Dominion Status to the island in 1948.

3. Prior to 1948, the indigenous population in Sri Lanka was described loosely as " Ceylonese ", as a general term, to distinguish them from those who were distinctly nationals of other countries. But, all those who were living in Ceylon at the time were strictly divided into two main categories, viz., British Subjects and Aliens. All those who were "Ceylonese" fell into the category of British subjects. The term "Ceylonese" appeared in several Ordinances and it was defined for certain purposes, e.g., employment in Government Service as : "a British Subject born in Ceylon, one of whose parents was born in Ceylon".

The transition to Dominion and Independent status in 1948 made it urgently necessary for the Government of Ceylon to enact legislation for the following among other purposes :—

(1) To provide for the status of a citizen of Ceylon, to determine who were to be regarded as citizens of Ceylon

by descent, to provide for acquisition of Ceylon citizenship by registration and for loss, resumption, retention, deprivation and renunciation of Ceylon citizenship.

(2) To regulate the entry into and stay in Ceylon of non-nationals, and the departure from Ceylon of nationals.

(3) To provide for registration as citizens of Ceylon persons of Indian and Pakistani origin who had been long resident in Ceylon and who were not qualified to apply for Ceylon citizenship under the general citizenship Act.

The following legislation was, therefore, passed by the Government of Ceylon in order to meet the requirements stated in the preceding paragraph :—

(i) The Citizenship Act, No. 18 of 1948.

(ii) The Immigrants and Emigrants Act, No. 20 of 1948.

(iii) The Indian and Pakistani Residents (Citizenship) Act, No. 3 of 1949.

The passing of the Citizenship Act was, therefore, one of the direct consequences to the attainment of Independence. Though this legislation was enacted over a quarter of a century ago, we are still too close to the event to realise its full stature and significance. Nevertheless, when we appreciate that by this legislation the country established for its people their separate national identity, we can acknowledge that the enactment of the Citizenship Act is a monumental milestone in the history of this Island.

CHAPTER TWO

ANALYSIS OF PARTS I AND II OF THE ACT

1. Section 1

This provides for the Short Title, " The Citizenship Act ", by which the Act may be cited.

Comment

The original Citizenship Act was legally referred to as the Citizenship Act, No. 18 of 1948. It was subsequently amended by the Citizenship (Amendment) Act, No. 40 of 1950 and the Citizenship (Amendment) Act, No. 13 of 1955. The original Act, with the amendments incorporated and the renumbering of certain sections, is now referred to as the Citizenship Act, and appears as Chapter 349 in Vol. XI of the Revised Edition of the Legislative Enactments of Ceylon (1956).

The Act and the Regulations, framed under the Act, are reproduced at the end of this book for convenience of reference as Appendices "A" and "B".

PART I

2. Sections 2 and 3

The Status of a Citizen of Ceylon

These two Sections comprise Part I of the Act and provide for the coming into existence of the status of a citizen of Ceylon from 15th November, 1948.

Acquisition of citizenship

A person may acquire the status of a citizen of Ceylon in one of the following ways :—

(1) by right of descent ;

(2) by virtue of registration as provided by the Citizenship Act or by any other Act authorising the grant of such status by registration.

Under the law, a citizen of Ceylon may for any purpose in Ceylon describe his nationality by the use of the expression " Citizen of Ceylon ".

Comment

Prior to 15th November, 1948, a person living in Sri Lanka may have or could have described his national identity by terms such as " Ceylonese ", " British Subject " or even as " Sihnalese ", "Tamil ", " Moor " or " Burgher ". This is because, prior to 15.11.1948. the concept, " Citizen of Ceylon ", was not in existance, and nationality went more by race than by the country or place of birth.

After 15.11.1948, the proper and legal way for a citizen of Ceylon to denote his nationality status would be to use the expression " Citizen of Ceylon " and qualify it further, where required, by the use of the expressions " Citizen of Ceylon by descent " or " Citizen of Ceylon by registration". However, the expression, " Ceylonese " still enjoys wide popularity and the term " Non-Ceylonese " continues to find acceptance in official documents and even in statutes passed after the enactment of the Citizenship Act, e.g., the Finance Act, No. 11 of 1963.

PART II

Citizenship by Descent

3. Sections 4 and 5—Definition

Persons acquiring citizenship by descent under the definitions contained in sections 4 and 5 can be divided into 4 groups as follows :—

Group (1) A person born *in* Ceylon *before* 15.11.1948.

He would be a citizen by descent if—

(*a*) his father was born in Ceylon (Section 4 (1) (*a*)) *or*

(*b*) his paternal grandfather and paternal great grandfather were born in Ceylon (Section 4 (1) (*b*)).

Group (2) A person born *outside* Ceylon *before* 15.11.1948.

He would be a citizen by descent if—

(*a*) his father and paternal grandfather were born in Ceylon (Section 4 (2) (*a*)) *or*

(*b*) his paternal grandfather and paternal great grandfather were born in Ceylon (Section 4 (2) (*b*)).

Group (3) A person born *in* Ceylon on or *after* 15.11.1948.

He would be a citizen by descent if his father was a citizen of Ceylon (either by descent or by registration) at the time of his birth (Section 5 (1)).

Group (4) A person born *outside* Ceylon on or *after* 15.11.1948.

He would be a citizen by descent if his father was a citizen at the time of his birth *and* his birth is registered under the Citizenship Act by the Ministry of Defence and Foreign Affairs (Section 5 (2)).

This registration of birth could be effected either through a Ceylon Government Representative abroad or by direct communication with the Secretary, Ministry of Defence and Foreign Affairs.

Comment

The qualifications laid down for acquisition of citizenship by descent appear to be somewhat rigid when the provisions in the Ceylon law are compared with the provisions in the

law of some other countries. The restrictive nature of the Ceylon law is attributable to the fact that, at the time the Act was passed, nearly one million persons living in Ceylon, out of the total population of approximately ten million, were persons who had immigrated to Ceylon in recent times and their absorbtion would have adversely affected the interests of the indigenous population. It was apparently for this reason that no provision was made for acquisition of citizenship by birth and acquisition by descent was restricted to persons who could show their ties with the country for at least two generations.

The provisions are also unique because the law is based neither on the principle of " Jus soli " nor on the principle of " Jus sanguinis ". It is a blend of these two principles that has been adopted in the Citizenship Act. The definitions, as to who are citizens by descent, though they may be restrictive in character, they fulfil the need to draw the line somewhere. Even if one concedes the rigidness of the definitions, their rigidity is mitigated by the provisions in the supplementary Act, viz., the Indian and Pakistan Residents (Citizenship) Act No. 3 of 1949, which provided for the registration, as citizens of Ceylon, persons of Indian and Pakistani origin who, despite their long and continous residence in the island, were not covered by the definition to acquire citizenship by descent.

It should be noted that these two sections commence with the words, " Subject to the other provisions of this part ". But in accepting a person as a citizen by descent it is also necessary to bear in mind the provisions of section 20, in Part IV, which deal with the automatic loss of Ceylon citizenship under certain conditions.

Example 1

Mr. X was born in Ceylon in 1942. His father too was born in Ceylon. He voluntarily acquired citizenship of the United Kingdom and Colonies in 1951.

Q : Would Mr. X be a citizen of Ceylon in terms of Section 4 (1) (*a*) of the Act ?

A : Mr.X acquired the status of a citizen of Ceylon by descent on 15.11.1948 but ceased to possess that citizenship status when he acquired citizenship of another country. He would, therefore, not be a citizen of Ceylon, on and after the day he acquired citizenship of the United Kingdom and Colonies (Section 4 (1) (*a*) and Section 20 (5)).

Example 2

Mrs. Y was born in Ceylon in 1922. Her father was also born in Ceylon. She married an Englishman on 1.12.1948 and took no action in regard to a possible change in her citizenship status by virtue of her marriage to a non-national.

Q : Would she be a citizen of Ceylon ?

A : Mrs. Y acquired the status of a citizen of Ceylon by descent on 15.11.1948 but ceased to be a citizen of Ceylon on 31.12.1952 by involuntarily acquiring citizenship of the United Kingdom and Colonies on 1.1.1949 through her husband and failure to renounce her United Kingdom and Colonies citizenship before 31.12,1952 (Section 4 (1) (*a*) and Section 20 (2)).

(See Chapter nine for note on acquisition of citizenship of the United Kingdom and Colonies).

Example 3

Mr. and Mrs. A, Germans by race and nationality, came to Ceylon in 1900. Their child Mr. B was born in Ceylon in 1902. Mr. B married a German national in 1927, in Germany, and returned to Ceylon in 1930. A child, Mr. C, was born to them in Ceylon in 1932.

Q : Would Mr. C be a citizen of Ceylon ?

A: Mr. C would have acquired the citizenship status of a citizen of Ceylon by descent on 15.11.1948 under section 4 (1) (*a*). He would have ceased to be a citizen of Ceylon

only if he had also acquired German nationality and preferred to retain German nationality by not renouncing German nationality before his birth day in 1954 (Section 20). In any case he would continue to be German by race. This example illustrates the difference between race and nationality. A person can change his nationality but not his race.

Example 4

Mr. X was born in Selangor on 21.11.1948. His father and paternal grandfather were born in Ceylon. His birth was duly registered under section 5 (2). He lived throughout in Malaysia and returned to Ceylon on 1.1.1974. He had not taken any action in regard to a possible change in his citizenship status.

Q : Is Mr. X a citizen of Ceylon ?

A: No. Mr. X was a British Subject born in a British Protected State of a father who was a British Subject born in Ceylon and, therefore, under the British Nationality Act, 1948, Mr. X acquired the status of a citizen of the United Kingdom and Colonies. He lost that status when Malaysia became a Sovereign Independent State on 16th September, 1963. As Mr. X had not taken any steps to renounce his citizenship of Malaysia before he reached the age of 22 years, Mr. X ceased to be a citizen of Ceylon on his 22nd birthday. (Section 5 (2) and Section 20 (2)).

Example 5

Mr. and Mrs. A who and whose parents were born in Ceylon settled down in Malaya in 1940. Mr. A voluntarily acquired citizenship of Malaya in 1952. Children were born to Mr. and Mrs. A as follows :—

(i) Child born in Malaya in 1942.

(ii) Child born in Ceylon in 1946.

(iii) Child born in Malaya in 1949.

(iv) Child born in Malaya in 1953.

Q : What is the citizenship status of the children ?

A: The first child having been born in Malaya before 15.11.1948 would have acquired citizenship of Ceylon by descent-section 4 (2) (*a*). He would have ceased to be a citizen of Ceylon on his 22nd birthday, if he had failed to renounce is other citizenship acquired by birth in Malaya, before that date. The second child having been born in Ceylon before the appointed date acquired the status of a citizen of Ceylon by descent under-section 4 (1) (*a*). The third child would have acquired citizenship of Ceylon by descent only if his birth was registered under section 5 (2) of the Citizenship Act. He too would have had to renounce his other citizenship acquired by birth in Malaya, if he was to remain a citizen of Ceylon after attaining the age of 22 years. The fourth child would *not* have become a citizen of Ceylon because, at the time of his birth, the father was not a citizen of Ceylon.

Example 6

Mr. X was a person of Indian origin who had secured registration as a citizen of Ceylon under the Indian and Pakistani Residents (Citizenship) Act, No. 3, 1949, in 1952. He settled down in Britain in 1954. A child "Y" was born to him in 1956 in Britain and the birth was registered under section 5 (2) of the Ceylon Act.

Q : What is the position of "Y" in relation to Ceylon citizen ship ?

A: As his birth was registered under section 5 (2), "Y" acquired citizenship of Ceylon by descent. He would also have acquired citizenship of the United Kingdom and Colonies. He would not lose his citizenship of Ceylon if—

(*a*) He renounced his citizenship of the United Kingdom and Colonies before he attained the age of 22 years, and

(*b*) He retains his Ceylon citizenship by complying with section 20 (3) of the Ceylon Citizenship Act, before he attains the age of 22 years in 1978. This is necessary because his father was a citizen of Ceylon by registration and not by descent.

4. Section 6—Certificate of Citizenship of Ceylon by Descent in Case of Doubt

As this section is important it is reproduced below :—

"6. Upon application made in that behalf in the prescribed manner, the Minister may, in his discretion, grant, in the prescribed form, a certificate of citizenship of Ceylon by descent to a person with respect to whose status as a citizen of Ceylon by descent a doubt exists ; and a certificate issued under this section to any person shall be conclusive evidence that that person was a citizen of Ceylon by descent on the date thereof, but without prejudice to any evidence that he was such a citizen at an earlier date ".

Comment

As in all other countries a citizen of Ceylon by descent is not required by law to possess a certificate of Ceylon Citizen ship to prove his nationality status. However, *in case* of doubt, a person can apply *to the Minister* for a certificate of citizenship of Ceylon by descent.

This section can be invoked by a bona fide citizen of Ceylon, by descent, who, though, " de facto ", is a citizen by descent, finds it difficult to produce documentary evidence of his claim to the satisfaction of the authorities concerned, before he could be accepted as a citizen of Ceylon for any purpose such as—

(1) employment in the public or private sector ;

(2) the issue of a Passport or Emergency Certificate ;

(3) grant of a National Rice Ration Book ;

(4) registration of deeds, under the Finance Act ;

(5) inclusion of name in the Electoral Register ;

(6) registration of Business or Trade; and

(7) for grant of any other privilege restricted to a citizen of Ceylon.

It may also happen that a Head of Department or any other authority concerned may refer a person to the Ministry of Defence and Foreign Affairs for production of a certificate under Section 6 before allowing or disallowing an application for any of the purposes indicated above.

Examples :—

(i) X applies for employment in the State sector. The documents he produces are insufficient to establish his claim to be a citizen of Ceylon. The recruiting authority may refer the applicant for action under Section 6 of the Citizenship Act.

(ii) An applicant for registration as a citizen of Ceylon under the Indo-Ceylon Agreement (Implementation) Act may appear to the Commissioner for the Registration of Persons of Indian Origin to be a possible citizen by descent. He would, therefore, suggest that, in the first instance, the applicant seeks a certificate under Section 6 of the Citizenship Act. He will process the application made under the Indo-Ceylon Agreement (Implementation) Act only if the applicant is not accepted as a citizen by descent under the Citizenship Act.

It will thus be seen that an application for a certificate under this section could be made either on the initiative of any person who believes that he is a citizen by descent, but has little or no documentary evidence, e.g., the relevant certificates of birth, to prove the claim *or*, at the instance of any official authority, who has occasion to doubt it.

It will also be seen that the grant of a certificate under section 6 is a discretionary act on the part of the Minister. It should, therefore, be noted that in cases of doubt it is only the Minister, who could deem or certify a person to be a citizen of Ceylon by descent. A document eg., a Sri Lanka (Ceylon) passport might describe the holder's nationality status as a citizen of Ceylon by descent but this does not purport to certify his nationality status. It is merely an indication that the passport issuing authoriry has accepted the applicant for the passport to be a bona fide citizen of Ceylon.

The statement made earlier to the effect that the issue of a certificate under this section is discretionary is based on the words " . . . . the Minister may, in his discretion, grant . . . . " contained in the section. The question, therefore, arises as to what extent the discretion lies. To find the answer, the section has to be read with the regulations relevant to it. It would also be necessary to take into consideration the prescribed form on which the certificate has to be issued. The form, Form B in this case, appears in the Schedule at the end of the regulations. One of the particulars that has to be given in the form is a reference to the " claim ". Therefore, the answer to the question is that the discretion is limited to cases of doubt and the " claim " can be indicated in the certificate. See Example 1 below.

Examples :—

1. X was born in Bombay in 1920. His father too was born in Bombay. His paternal grandfather and paternal great grandfather were born in Ceylon. He has the following children :—

(i) A born in Bombay in 1947.

(ii) B born in Ceylon in 1949.

Q : Can the Minister issue certificates under section 6 to A and B, if applications are made for them ?

A: A section 6 certificate can be issued to B but not to A.

X acquired citizenship by descent under section 4 (2) (*b*). His son B was born in Ceylon *after* the appointed date and, as the father was a citizen of Ceylon at the time of his birth, B became a citizen by descent under section 5 (1). A, on the other hand, was born outside Ceylon *before* the appointed date. He, therefore, would have been a citizen only if his father and paternal grandfather or his paternal grandfather and paternal great grandfather were born in Ceylon. But his father and paternal grandfather were born outside Ceylon. A is, therefore, *not* a citizen and there is *no doubt* about it. It would, therefore, not be legally correct to issue a certificate under section 6 to him despite the moral force involved in the case by reason of the father and one child being citizens by descent and the other child not.

Example 2

X was born in Malaya to Chinese parents and later adopted legally by Mr. and Mrs. Y who were citizens of Ceylon by descent.

Q : Is X a citizen of Ceylon ? Can a certificate under section 6 be issued if application is made for it ?

A : No. Because the provisions in regard to citizenship by descent contained in Part II of the Ceylon Citizenship Act do not apply to an adopted child even though the foster parents are citizens of Ceylon by descent.

Example 3

Z was born on 1.1.1970 on board a British aircraft to parents who were citizens of Ceylon by descent.

Q : Is Z a citizen of Ceylon by descent ? Can a section 6 certificate be issued to him ?

A : If the aircraft concerned belonged to a British Air Line registered in the United Kingdom, the child would acquire citizenship of the United Kingdom and Colonies under the British Nationality Act, 1948. If the birth was duly registered under section 5 (2) of the Ceylon

Act, the child would have acquired citizenship of Ceylon by descent and there would be no need for a separate certificate under section 6 of the Act.

5. Section 7—Foundlings

This section reads as follows :—

" Every person first found in Ceylon as a newly born deserted infant of unknown and unascertainable parentage shall, until the contrary is proved, be deemed to have the status of a citizen of Ceylon by descent ".

Comment

A person who answers this description and who has to prove his citizenship status for purposes of employment or for any other purpose can apply to the Minister for a certificate under section 6 of the Act.

Example

One morning, when Mr. X opened his door to fetch his bottle of milk, he found an infant howling on his doorstep. After placing the child in the care of his wife, Mr. X informed the nearest Police Station. The Police obtained a statement from Mr. X and handed over the child to the nearest Children's Hospital and then made diligent inquiries in order to trace the mother. Having failed to obtain any information, the child was duly handed over to an Orphanage. In course of time the child grew up and having secured a Convent education went in search of employment. Although a Certificate of Birth or even a Certificate of Probable age was not obtainable from the Registrar General, for want of particulars, a benign Government Official advised the person to contact the Citizenship Division of the Ministry of Defence and Foreign Affairs. The Ministry advised the person to make an application under Section 6 of the Citizenship Act, supporting it with any letters he could produce from the Police, the Hospital authorities, the Orphanage and the Convent, where he had obtained his education. Fortunately, sufficient records were available to accept the person as satisfying the provisions of

section 7 and to assist him in securing employment and for any other purpose, a certificate under section 6 of the Act was issued to this person. This illustrates an instance where the provisions of section 6 and 7 of the Act could be appropriapriately used to assist a person who was no doubt a responsibility of the state.

6. Section 8—Resumption of Citizenship by Descent.

Any person who ceases under section 19 or section 20 to be a citizen of Ceylon by *descent* may at anytime thereafter make an application to the Minister for a declaration that such person has resumed the status of a citizen of Ceylon by descent ; and the Minister may make the declaration for which the application is made—

(*a*) if that person renounces citizenship of any other country of which he is a citizen, in accordance with the law in force in that behalf in that other country ; and

(*b*) if that person is, and intends to continue to be, ordinarily resident in Ceylon.

Comment

This section provides for the resumption of citizenship by descent by two categories of persons *who were earlier citizens by descent*—

(i) persons who had ceased to be citizens by descent by renunciation under section 19, and

(ii) persons who ceased to be citizens of Ceylon by either voluntarily becoming citizens of any other country or who lost their Ceylon citizenship by operation of the restrictions against dual citizenship contained in section 20 of the Act.

Whilst the provisions as to who could apply for a declaration under this section are clear, some confusion is likely to arise in regard to the time, the place at which and to whom application should be correctly made. This confusion may arise from the inclusion of the words, " may at any time ", appearing

in the section and a reading of Regulation 26, as it now stands, which seems to provide for an application to be made on the appropriate form, " obtained from the Ministry of Defence and External Affairs or from the office of a consular officer ". Some applicants may think that as the form of application could be obtained from a Ceylon mission abroad they could make the application whilst being resident outside Ceylon. Such an inference would be incorrect because the Act contemplates the making of the declaration by the Minister under section 8 conditional on the person, inter alia, being physically present in Ceylon. Regulation 26 is likely to be amended in course of time to remove the confusion.

It is interesting to note that there is no age limit laid down in regard to an application under this section, but it is clear that an applicant should be over 21 years of age because a person under 21 cannot renounce his Ceylon citizenship and it is unlikely that a person who is not of full age would cease to be a citizen of Ceylon by acquiring citizenship of another country either voluntarily or by operation of law.

It is also important to remember that resumption of Ceylon citizenship under this provision is not a matter of right, because the Act lays down that the Minister may refuse an application under this section on grounds of public policy.

Example

" A " was born in England in 1942. His parents were Sinhalese by race and citizens of Ceylon by nationality. As " A " was unaware of the restrictions against possession of dual citizenship, "A" took no action to renounce his United Kingdom citizenship, which he had acquired by birth in England and thereby ceased to be a citizen of Ceylon on his 22nd birthday. He desired to return to Ceylon in 1970 but was refused a Ceylon passport.

Q : What should "A" do to get back his Ceylon citizenship ?

A : "A" could obtain a British passport for his return to Ceylon and on arrival in Ceylon apply for resumption of Ceylon Citizenship under section 8. This is the information that could have been given to "A" when he contacted the Ceylon High Commission in London. He could have been given a visa for entry and stay in Ceylon pending the outcome of his application. No guarantee could, however, have been given as regards the result of his application, as the grant of a declaration under this section is a matter of discretion vested in the Minister and his refusal is final and cannot be contested in a court.

7. Section 9—Persons born out of Wedlock

This provision has to be read with sections 4 and 5 of the Act. It gives recognition as citizens of Ceylon by descent to persons who have been born out of wedlock and have not been legitimated by the subsequent marriage of their parents.

Comment

Subsection (1) of this section is clear but the inclusion of subsection (2) makes the provision controversial because of the position that a child born out of wedlock and satisfies subsection (1) would appear to be able to enjoy the status of a citizen of Ceylon by descent only for a limited time, if the parents married each other at some subsequent date and so legitimated the child as contemplated in subsection (2).

Example 1

A was born in Ceylon in 1947 i.e., *prior to* the appointed date. His mother was born in Ceylon. As indicated in A's certificate of birth his parents were not married at the time of his birth or up to the time of registration of his birth. A's parents married each other two years after A's birth. A's father and paternal ancestors were all born outside Ceylon.

Q : What is A's position in regard to Ceylon citizenship by descent ?

A : A acquired citizenship by descent under subsection (1) of section 9 read with paragraph (*a*) of subsection (1) of section 4 of the Act. However, when A's parents contracted a legal marriage subsequent to his birth, he ceased to be a citizen of Ceylon.

Q : (Supplementary) ; If A ceases to be a citizen of Ceylon by virtue of his parents' marriage, what is his citizenship status ?

A : If A's father was born in Britain of English parents, for example, A would have acquired citizenship of the United Kingdom and Colonies.

Example 2

B was born in Ceylon *after* the appointed date. His parents were not married at the time of his birth or subsequently. The father was born in India ; the mother was born in Ceylon. The parents of the mother and the father were also not born in Ceylon.

Q : Wlat is B's citizenship status ?

A : B did not become a citizen of Ceylon because he was born after the appointed date and his mother was not a citizen of Ceylon at the time of his birth.

In this example if B's mother had acquired Ceylon citizenship, eg., by registration under the Indian and Pakistani Residents (Citizenship) Act, prior to B's birth, B would have become a citizen of Ceylon by descent under the provisions of section 9 read with subsection (1) of section 5 of the Act.

8. Section 10—Posthumous Persons

This section is more or less identical to the provisions made in the citizenship law of most other countries in regard to posthumous persons.

As this section is self explanatory no comments are offered.

CHAPTER THREE

ANALYSIS OF PART III OF THE ACT

1. Section 11—Citizenship by Registration

Persons eligible to apply for Ceylon citizenship *by registration* can be divided into six groups. Of these, three groups come under section II as follows :—

Group (1) *Through the mother*—(Section 11 (1) (*b*) (i)). A person whose mother is or was a citizen of Ceylon *by descent* is entitled to the grant of Ceylon citizenship by registration if he or she also possesses the following qualification :—

(*a*) The applicant is over 21 years of age.

(*b*) That in the case of a married applicant, he or she has been resident in Ceylon throughout a period of seven years immediately preceding the date of the application. In the case of an unmarried person the period of continuous residence should be 10 years.

Comments

1. It should be noted that this provision is restricted to persons whose mothers are or were citizens *by descent*. If the mother is or was a citizen *by registration*, the person would not be eligible to registration, under this provision.

2. Some examination is necessary in respect of the word " was " appearing in this provision. The word applies to a case where the mother is dead and does not apply to a case where the mother was a citizen by descent and had ceased to be a citizen by descent.

3. It is very important to note that the grant of citizenship under this provision is obligatory. In other words if a person has the qualifications in section 11 (1) (*b*) (i), his application has to be granted.

Example

Mr. A was born in England in 1949 to a mother, who was a Sinhalese by race and a citizen of Ceylon by descent. She had married an Englishman in 1948 and had accompanied her husband to England soon after her marriage. A returned to Ceylon in 1972 and sought registration under section 11 (1) (*b*) (i). Apart from the fact that he did not possess the requisite residential qualification, A could not have been considered as a person whose mother is a citizen of Ceylon by descent, though she was a Sinhalese by race and her indigenous ancestry was not in doubt. This is because the mother acquired citizenship of the United Kingdom and Colonies on 1.1.1949 and had ceased to be a citizen of Ceylon by failure to renounce her United Kingdom citizenship before 31.12.1952. (Section 20 (2) of the Act).

Q : How could A acquire citizenship ?

A : If Mr. A (if unmarried) continued to reside in Ceylon throughout a period of ten years *and his mother had resumed her Ceylon citizenship by descent* under section 8 of the Act, in the meantime, A could make an application somewhere in 1982 for registration as a citizen of Ceylon under this section. He would, of course, have to renounce his citizenship of the United Kingdom and Colonies in due course, i.e., within three months of the date of his registration.

Group (2) *Through the father*—(Section 11 (1) (*b*) (ii) A person, whose father was a citizen of Ceylon by descent and who would have been a citizen of Ceylon if his birth had been duly registered under section 5 (2) of the Act.

Comment

This provision was specifically made when the Act was amended in 1950 to meet a case where the father had inadvertently failed to register the birth of a child under section 5 (2). There is a large population of persons of Ceylon origin in Malaysia, particularly from the Jaffna peninsular, and many cases of such omissions had come to the notice of the Ministry. It should be noted that this concession applies only where the father is or was a citizen *by descent*. It does not apply to a person who's father was a citizen by registration, although this distinction is not made for purposes of section 5 (2).

This provision sometimes results in one child being a citizen by descent and another becoming a citizen by registration. The blame for this must rest on the parent or guardian of the child in view of the publicity given. In fact every Ceylon passport carries a note drawing the attention of parents to section 5 (2) of the Act. Section 11 (1) (*b*) (ii) affords the relief to enable the child to acquire Ceylon citizenship despite the omission on the part of the parent or guardian to register the birth under the Act.

Example 1

A and B were born in Malaysia after the appointed date to Jaffna Tamil parents, who were citizens of Ceylon by descent. The father registered the birth of A under section 5 (2) but failed to register the birth of B. A became a citizen of Ceylon by descent but B did not. B, on his return to Ceylon could only become a citizen of Ceylon by registration' under section 11 (1) (*b*) (ii). This apparent anomaly cannot be avoided because of the specific provision in the law.

Example 2

In example 1, if the father was a citizen of Ceylon by registration, B could not have become a citizen of Ceylon under this provision of the Act. He could become a citizen by registration through the mother, under section 11 (1) (*b*) (i).

What is important to note here is that whether the father is a citizen by descent or by registration makes no difference for purposes of section 5 (2) but section 11 (1) (*b*) (ii) is restricted to cases where the father is a citizen by descent. But in either case the child could get citizenship by registration under section 11 (1) (*b*) (i) as the mother is a citizen by descent in these examples.

Group (3) *Through the father*—(Section 11 (1) (*b*) (iii)) A person who would have become a citizen of Ceylon by descent if his father, who was a citizen of Ceylon by descent, had not ceased to be a citizen of Ceylon at or before the time of birth of the person.

Comment

This provision too was included in the Act to prevent the deprivation of citizenship to children of bona fide citizens of Ceylon born abroad. It also enables a person whose indigenous origin was Ceylon to acquire citizenship even though the father had voluntarily or by operation of law had ceased to be a citizen of Ceylon and had thereby prevented a child from acquiring citizenship of Ceylon by the normal process of inheritance.

Example 1

A was a citizen of Ceylon by descent and ceased to be a citizen by acquiring the citizenship status of another country. His child B was born after the father had ceased to be a citizen of Ceylon and, therefore, could not acquire citizenship of Ceylon because he was born after the appointed date. B could acquire citizenship of Ceylon by registration under this provision.

Example 2

If A in example 1 was a citizen of Ceylon by registration and not by descent, his son B cannot acquire Ceylon citizenship under this provision.

2. Section 12—Registration of Spouse, Widow or Widower of a Citizen of Ceylon. Group (4)

The spouse, widow or widower of a citizen of Ceylon with at least an year's continous residence in this country, can make application under this provision for registration as a citizen of Ceylon. However, the grant of the application is discretionary.

Comments.

(1) It is interesting to note that it is this section which appeared as sub-paragraph (ii) of paragraph (*b*) of subsection (1) of section 11 in the original Act. When the Act was amended in 1955 this provision was taken out of section 11 and renumbered as a separate section, section 11 A after certain amendments had been made. When the Revised Edition of the Legislative Enactments of Ceylon was published in 1956, the new section 11 A was renumbered as section 12, original section 12 as 13 et seq.

(2) It is also interesting to note that it is only under this section of the Act that the form of application has been prescribed. The relevant form of application, Form M, is prescribed by inclusion of the form in the schedule to the regulations framed under the Act.

Examples :

1. A was legally married to B, who was a citizen of, Ceylon. B died and A married C. After his second marriage, A cannot claim that he was the widower of B. A can apply for registration under this section only if C also was a citizen of Ceylon.

2. X is a Muslim entitled under the Muslim law to contract more than one marriage. If his first wife was not a citizen of Ceylon and his second wife was a citizen of Ceylon, he would be eligible to apply under section 12 only if he could establish that his second marriage was a legally constituted marriage under the local Muslim Marriage ordinance or under the corresponding law of the country in which the marriage was contracted.

Note

It will be noted that apart from the qualifications mentioned under each subsection, all applicants under sections 11 and 12 should be of full age (21 years) and sound mind and also be physically resident in Ceylon and intend to continue to be ordinarily resident in Ceylon.

3. Section 13—Registration of Persons to whom sections 11 or 12 Do Not Apply—Groups (5) and (6)

(1) By Distinguished Service—(Section 13 (1) (*a*) (i))

This provides for the registration as a citizen of Ceylon of any person who has rendered distinguished public service or is eminent in professional, commercial, industrial or agricultural life.

(2) By Reason of Being Naturalised British Subjects —(Section 13 (1) (*a*) (ii))

This provision is included for the purpose of registration as a citizen of Ceylon of any person who has been granted in Ceylon a certificate of naturalization under the British Nationality and Status of Aliens Act.

Comments

(1) Owing to the restrictive nature of the provisions for registration as citizens of Ceylon of non-nationals who, though they may have virtually taken up permanent residence in this country, are not eligible for registration under the ordinary provisions, this provision has been included in the Act in order to take in, from among them, suitable persons who have rendered distinguished service to the country. It will be noted that any person who is considered for the grant of citizenship under this special provision should not be eligible for registration under the ordinary provisions contained in sections 11 or 12 of the Act.

(2) The other category are persons who were aliens and had been naturalised *in Ceylon* as British Subjects by the British Authorities, and had not ceased to be British Subjects.

(3) The provision under section 13 (1) (*a*) (*i*) flows from the ancient practice of granting the key or freedom of the city to distinguished visitors. Persons contemplated in the section include, in addition to those mentioned, Religious Dignitaries or Educationists, Monks, Mothers and Nuns, who render useful service to the community without monetory considerations but are unable to obtain citizenship under the ordinary provisions of the Act.

Notes

1. It will be seen that there is no age limit laid down in this section and that registrants should be and intend to continue to be ordinarily resident in Ceylon.
2. Registration under this section is discretionary.
3. The number of persons that could be registered under this special provision is restricted to twenty-five in any one year.

4. Section 14—Minor Children

When an applicant for registration has minor children, he can include their names in his application and if the application is allowed by the Minister, the minor children too will become citizens of Ceylon by registration, by inclusion of their particulars in the Certificate of Registration issued to the applicant.

Comment

It is interesting to note the inclusion of the word " Any " in this section. This means that an adopted minor child or a minor child or minor children of a previous marriage also can be included among the minor children of an applicant.

Provision has been included for a request to be made by an applicant for the inclusion of the name of a minor child by subsequent letter where the name of the minor child had not been included in the appropriate place in the application. Some doubt, however, arises as to the point of time up to

which the subsequent request by letter could be made. Ordinarily, one would interpret this to mean that the concession refers to a request made prior to the issue of the certificate in respect of an ommission or in respect of a minor child born after the application was made but before the certificate of registration was issued. The doubt arises because of the wording in Regulation 17 framed under the Act which reads as follows :—

> " 17. (1) Where a request is made by letter, for the inclusion of the name of a minor child in any certificate of registration granted under section 11 or section 12 or section 13 of the Act, such letter shall contain the name and date of birth of such child, and the statements therein shall be supported by affidavit ".

It is the word, " granted " that creates the doubt. If the words, " that may be granted " had been used instead of the word " granted" then there would have been no doubt that the request made by subsequent letter should be restricted to a request made prior to the date of grant of the certificate. As it is, it would appear to be a matter of discreation for the Minister to consider the request, no matter when it is made.

This comment would also be relevant to the case of a minor child the inclusion of whose name is requested in respect of an application made under section 8 of the Act.

5. Section 15—Persons who are not to be granted citizenship by Registration

Subsection (1) of this section debars a person who has ceased to be a citizen of Ceylon from being granted citizenship by registration unless as provided in section 11.

In subsection (2) stipulation is made that a citizen of another country should renounce his citizenship of that country before he can be granted Ceylon citizenship.

Subsection (3) enables the Minister to exempt a person from the provisions of subsection (2).

Comments

1. The first subsection of this section is extremely important because it is intended to prevent a person who has renounced his Ceylon citizenship under section 19 of the Act or who has ceased to be a citizen of Ceylon under the provisions contained in Part IV of the Act from being registered as a citizen of Ceylon unless the person has a claim to registration under section 11. This means that the categories of persons to whom subsection (1) applies are—

(*a*) a person whose mother is or was a citizen of Ceylon *by descent*, and

(*b*) a person whose father was a citizen of Ceylon by descent but was prevented from acquiring the status of a citizen of Ceylon by the failure on the part of the father to register the person's birth or where the person did not acquire citizenship by descent by reason of the father ceasing to be a citizen of Ceylon by descent before the birth of the person.

2. Subsection (3) was introduced by an amendment to the original Act because after the Act was passed in 1948 it was discovered that, in nearly all cases, it was not possible for an applicant to comply with subsection (2) because the citizenship law of many countries did not permit a person to renounce his or her citizenship, unless he or she was also a citizen of another country. The amendment removed the legal impediment enabling an applicant to first acquire citizenship of Ceylon and then renounce citizenship of the country of which he was a national. But, to satisfy subsection (2) of section 15, subsection (3) of section 21 was introduced at the same time. Therefore, subsection (3) of section 15 has to be read with subsection (3) of section 21 just as subsection (5) of section 8 has to be read with subsection (6) of section 20.

Examples

1. Mrs. X, English by race and a citizen of the United Kingdom and Colonies, who had married a citizen of Ceylon and had the prescribed period of continous residence

in Ceylon, secured registration as a citizen of Ceylon under section 12. She did not renounce her United Kingdom citizenship and so failed to comply with subsection (3) of section 21. She, therefore, ceased to be a citizen of Ceylon. Mrs. X, cannot be granted citizenship by registration even if she continues to possess the qualifications under section 12 nor can she be considered for registration under section 13 even if she merits such consideration.

2. Mrs. Y, was a person whose father was a United Kingdom citizen and whose mother was a citizen of Ceylon *by descent*. She had been resident in Ceylon continously for more than seven years and, being over 21 years of age, secured registration under section 11 (1) (*b*) (i) of the Act. However, she failed to renounce her United Kingdom citizenship, within the time stipulated, and so cased to be a citizen of of Ceylon. She could apply again for registration under section 11 and such application could be entertained.

3. Mr. Z a registered citizen under the Indian and Pakistani Residents (Citizenship) Act, ceased to be a citizen under section 23 of the Citizenship Act, in 1962. Being of Indian origin and stateless again, he applied for registration under the Indo-Ceylon Agreement (Implementation) Act, in 1969.

Q : Could Mr. Z's application have been allowed ?

A : No ; section 15 of the Citizenship Act precludes it.

6. Section 16—Maintenance of Registers

This section prescribes the keeping and maintenance of a register of persons who are granted citizenship by registration. This section is self explanatory.

7. Section 17—Certificates of Registration

This section is self explanatory. It should, however, be carefully noted that a certificate issued under this section does not certify that the spouse of the applicant is a citizen of Ceylon by reason alone of the fact that the signature and photograph of the spouse appear on the certificate. The

latter's nationality status should be ascertained by reference to the nationality status of the spouse as given on the certificate.

8. Section 18—Effect of Certificates of Registration

This section lays down the conditions under which certificates granted in the prescribed form in terms of section 17 become effective and the date from which persons registered commence to have the status of citizens of Ceylon.

Comment

The effect of a certificate issued under section 17 is that the person to whom the certificate is issued and the minor children, whose particulars are included in the certificate, become entitled to the status of citizens of Ceylon by registration as from the date of the certificate. However, the certificate becomes effective only if the condition laid down in subsection (1) or subsection (2) is also fulfilled.

The condition laid down in subsection (1) and subsection (2) is that a British Subject to whom a certificate is granted should subscribe the prescribed oath or affirmation of citizenship and an alien to whom a certificate is granted should subscribe the prescribed oath or affirmation of allegiance and the prescribed oath or affirmation of citizenship, within one calendar month from the date of the grant of the certificate, or within such extended time as the Minister in special circumstances may direct.

It is desirable here to clarify the status of British Subject. For its definition one has to go to the British Nationality Act, 1948, which came into force with effect from 1st January, 1949. Under this Act, British Subjects form the sum total of Commonwealth citizens and the term British Subject is synonymous with the term Commonwealth citizen. Accordingly, those who are not British Subjects or Commonwealth citizens have to be considered as aliens for purposes of this section.

It is very important to note here that the Ceylon Citizenship Act itself states that the term " British Subject " has the same meaning as in the law of the United Kingdom—vide the interpretation given in section 28 of the Act.

Regulations 19 and 20 set out the manner in which the oaths or affirmations should be administered. Regulation 21 prescribes the form the oath or affirmation should take. However, since Sri Lanka became a Sovereign Republic, the form has been modified to make the allegiance referred to in the form allegiance to the Constitution of the Republic of Sri Lanka and not to the Queen of Ceylon.

Examples

1. A United Kingdom National or an Indian National registered under sections 11, 12 or 13 will have to take the oath or affirmation of citizenship, whichever is appropriate to his religion. Either of them would not have to take the oath or affirmation of allegiance as both are Commonwealth citizens and, therefore, British Subjects for purposes of section 18 of the Ceylon Citizenship Act.

2. An Italian National is an alien and, therefore, would have to take both the oath of citizenship and the oath of allegiance.

3. A Pakistan National will have to take both the oaths or affirmations, as Pakistan is now out of the Commonwealth.

CHAPTER FOUR

ANALYSIS OF PART IV OF THE ACT

Loss of Citizenship

1. Section 19—Renunciation of Citizenship of Ceylon

This section provides for renunciation of citizenship by citizens of Ceylon, who are of full age and sound mind. The provision, however, empowers the Minister to withhold registration of a declaration of renunciation if it is made during the continuance of any war in which Ceylon is engaged and if, by the operation of any law enacted in consequence of that war, the declarant is deemed for the time being to be an enemy.

Comment

The conditions for accepting a declaration of renunciation, as laid down in this section, are clear and simple. But the regulation relevant to the section (Regulation 23) specifies that the declaration should be made in the prescribed form and manner. The prescribed form, Form K, which is contained in the schedule to the regulations, indicates that the affidavit, which forms part of the declaration, should be sworn or affirmed before a Justice of the Peace or Commissioner of Oaths and that the stamp to be affixed to the affidavit should be a stamp of the value of one rupee. It is held that the Justice of the Peace or Commissioner of Oaths referred to should be a Sri Lanka (Ceylon) Justice of the Peace or Commissioner of Oaths and that the one rupee stamp should be a Sri Lanka (Ceylon) stamp of one rupee. It is interesting to observe that the Note appearing at the foot of Form K does not appear at the foot of Form L, which is also a form appearing in the schedule to the Regulations. It would,

therefore, appear that a declaration made outside Ceylon is not acceptable for purposes of this section. However, as regulation 23 stipulates that a declaration under section 19 shall be sent to the Minister, the acceptance or non-acceptance of a declaration is a matter for the Minister.

2. Section 20—Restrictions Against dual Citizenship of Persons who are Citizens by Descent

This section restricts the possession of plural citizenship by persons who are citizens of Ceylon by descent.

Comments

1. Subsection (1)

Some persons, who acquired citizenship of Ceylon by descent when the Citizehsnip Act came into force on 15th November, 1948, may have previously acquired citizenship of some other country or countries either by choice or by operation of the law of those countries. Subsection (1) allowed such persons a period of time within which they had to renounce their other citizenship, if they wished to remain citizens of Ceylon after the expiry of the period of time stipulated. As a matter of convenience a fairly long period of time was given within which the persons concerned were to renounce their other citizenship. The date 31st December, 1952 or the date on which a person attained the age of 22 years were laid down for the purpose, by an amendment to the Act in 1950, as the problem came to the notice of the Government only after the original Act had been passed in 1948. By fixing the time limits mentioned above, these persons, many of whom were persons of Ceylon origin living in Malaya, were given at least a period of two years to renounce their other citizenship, in order to preserve their Ceylon citizenship, if they so desired. This accounts for the apparently arbitrary date, viz. 31st December, 1952, appearing in this section.

2. Subsection (2)

Whilst subsection (1) refers to a citizen of Ceylon by descent born *before* the appointed date (15th November, 1948), who was also on *that date* a citizen of another country, subsection (2) refers to a citizen of Ceylon by descent, who, *by operation of law*, is at the time of his birth or becomes after his birth, also a citizen of another country.

Under this provision such a person also has to renounce his other citizenship within the prescribed time limit. In addition to the time limits stipulated in subsection (1), a further time limit i.e., twelve months from the date of acquisition of other citizenship also has been included in this subsection, where the acquisition of other citizenship may have taken place or takes place too close to or after the other two dates.

3. Subsection (3)

This subsection is important in that it provides a person, who had become a citizen of Ceylon by descent by an act of his father, who was a citizen of Ceylon by registration, to exercise a choice in regard to the country of which he desires to be a citizen, after he attains majority. If he deisires to remain a citizen of Ceylon, such a person has to make a declaration of retention of his Ceylon citizenship before he becomes twenty-two years of age.

4. Subsection (4)

The Minister is empowered by this subsection to extend the time limit beyond the age of twenty-two years in certain deserving cases, for the purpose of renunciation of other citizenship or for retention of Ceylon citizenship by persons who became citizens of Ceylon when they were minors.

5. Subsection (5)

This subsection provides for the automatic and simultaneous loss of Ceylon citizenship if and when a citizen of Ceylon by descent *voluntarily* acquires citizenship of another country.

6. Subsection (6)

This subsection has been laid down in order to make the relief granted by subsection (5) of section 8 pro tempore, as it would otherwise nullify the requirement in regard to renunciation of other citizenship, contained in paragraph (*a*) of subsection (1) of the same section.

Examples :

1. X was born in Perak on 15th March, 1948. His parents were persons of Ceylon origin and Ceylon born. So were his grand parents. X acquired citizenship of Ceylon by descent on the appointed date, namely, 15th November, 1948. He had, however, also acquired citizenship of the Federation of Malaya, because he was a Birtish Subject born before 15th September, 1952, in a Malay State of a father who had completed fifteeen years continous residence in the Federation. X was, therefore, a citizen of Ceylon and also a citizen of another country on 15th November, 1948. He would, therefore, have to renounce his citizenship of Malaya, if he continued to reside in Malaya beyond 31st August, 1957, before 15th March, 1970, if he desired to preserve his Ceylon Citizenship status after he became, twenty-two years of age.

(Vide chapter on acquisition of citizenship of the Federation of Malaya and of Malaysia).

2. Y acquired the status of a citizen of Ceylon by descent on 15.11.1948. He also acquired citizenship of the United Kingdom and Colonies on 1.1.1949 by virtue of his birth in a British Settlement, by operation of law, under the British Nationality Act. If Y attained the age of twenty-two years before 31.12.1952, he would have had time until 31.12.1952 to renounce his United Kingdom citizenship, if he desired to remain a citizen of Ceylon thereafter.

3. If X in example 1 had failed to renounce his other citizenship and thereby ceased to be a citizen of Ceylon, he could on his return to Ceylon, resume his Ceylon citizenship,

under section 8 of the Act, but would have to renounce his Malaysian citizenship within three months of the date of resumption of Ceylon citizenship.

3. Section 21—Restrictions against dual Citizenship of Persons who are Citizens by Registration

Section 20 restricts the possession of plural citizenship by citizens *by descent*. Section 21 contains similar provisions in respect of citizens *by registration*.

Comments

1. Subsection (1) is identical with subsection (5) of section 20, and lays down that a citizen by registration shall automatically and simultaneously cease to be a citizen if he voluntarily acquires citizenship of any other country.

2. Subsection (2). Just as in subsection (2) of section 20, citizens by registration, who *may* acquire citizenship of another country involuntarily i.e., by the operation of law of such other country, are given three months' time or until they attain the age of 22 years, whichever is later, to divest themselves of their other citizenship in order to preserve their status of citizens of Ceylon. It will be seen that the date 31st December, 1952 which appears in section 20 does not appear in this section.

3. Subsection (3). This has been included to prevent the the nullification of subsection (2) of section 15 and to make subsection (3) of section 15 conditional.

Examples :

1. X a national of India was registered as a citizen of Ceylon. As the citizenship law of India provides for the automatic loss of Indian citizenship, if and when an Indian national voluntarily acquires citizenship of another country, X was not required to renounce and notify renunciation of Indian citizenship. If X subsequently acquires citizenship

of Malaysia by making an application for it, X would automatically cease to be a citizen of Ceylon. He would thereafter be only a citizen of Malaysia.

2. Y was a minor child of an Indian national, who was registered as a citizen of Ceylon. As his name was included in the certificate of registration issued to the father, Y also acquired citizenship of Ceylon from the date of the certificate. If Y was considered a citizen of India by the Indian Government authorities, he would possess dual citizenship. Y would then have to renounce his Indian citizenship, before he reached the age of 22 years, in accordance with the Indian law, if he was to continue to be a citizen of Ceylon beyond his 22 nd birthday.

4. Section 22—Cases of invalid or Ineffective Renunciations of Foreign Citizenship

This section removes any doubt that may exist in the mind of a person in regard to what is precisely required in order to satisfy the law. A person cannot by any declaration of his choice renounce citizenshiip of a country. The renunciation has to be made in accordance with the law of the country concerned and this procedure may vary from country to country.

Comment

It is interesting to note here that whereas countries like India, Australia and Pakistan provide for the automatic loss of citizenship, when their nationals acquire citizenship of another country, countries like Britain, Malaysia and Singapore do not. This means that whereas nationals of the former countries do not have to renounce citizenship of the country of their origin, nationals of the latter countries have to formally renounce their citizenship, in accordance with the law of the country concerned and produce proof of acceptance of such renunciation to the prescribed officer of the Government of Ceylon, within three months of their registration as citizens of Ceylon.

It is important to note that this section empowers the Minister to reject a declaration of renunciation of citizenship of another country, if the declaration has not been duly made in accordance with the law of the relevant country.

Example :

X was born in England in 1946. His parents and grandparents were Sinhalese by race and citizens of Ceylon by descent. Under the Birtish Nationality Act, 1948, X became a citizen of the United Kingdom and Colonies. As he was a person who became a citizen of another country, by operation of law, he should have renounced his United Kingdom citizenship before he attained the age of 22 years. He failed to do so and thereby ceased to be a citizen of Ceylon, under the provisions of section 20 of the Ceylon Citizenship Act. X returned to Ceylon on a British Passport and was allowed to resume citizenship of Ceylon by decsent under section 8. He would have had to renounce his other citizenship within three months of resuming Ceylon citizenship in accordance with the United Kingdom citizenship law. The appropriate action that X would have had to take would have been to contact the High Commission for the United Kingdom in Ceylon and renounce his United Kingdom citizenship. After his declaration was duly registered by the High Commission, he should have produced it to the Secretary, Ministry of Defence and Foreign Affairs, Government of Ceylon, so that the necessary endorsement, in regard to renunciation of his other citizenship, could have been made in the space provided for the purpose in the declaration of resumption of Ceylon citizenship granted to him. Until this was done, the declaration would have been a provisioned one, valid only for a period of three months and as such any right accruing from it would have been restricted to that period.

5. Section 23—Residence outside Ceylon for Five consecutive Years

This section provides for the automatic loss of citizenship in case of continuous absence from Ceylon for five years or more. It applies only to citizens by registration and operates

only if the absence was not due to employment of the person or his spouse under the Government of Ceylon or if the absence was not on account of a holiday or for reasons of health or education. It will also not apply if the person was resident abroad with a spouse who is a citizen of Ceylon by descent.

Comment

The provision for the automatic loss of citizenship by registered citizens by continuous absence from their country of adoption for a long period is not peculiar to the Ceylon law. Many countries provide for such loss of citizenship and such provisions will be dealt with in the comments under section 24.

In actual practice this provision does not cause hardship because a registered citizen can easily maintain a substantial connection with Ceylon during his absence abroad to prevent loss of citizenship. For example, a brief visit to Ceylon can break the continuity of absence and the absence can also be condoned for the several reasons provided in the section.

Some comment is invited by the inclusion of paragraph (*g*) in the section. The prescribed purpose is not defined in the Act or in the Regulations framed under the Act. This is perhaps an omission wich will be supplied when the Act or the Regulations are next amended.

Examples :

1. X was registered as a citizen of Ceylon in 1951 and travelled to the United Kingdom on a Ceylon Passport. When he applied for renewal of his passport in 1956, the High Commission for Ceylon in London discovered that he had been continuously resident in the United Kingdom for more than five years and, therefore, referred him to section 23 of the Ceylon Citizenship Act. If X satisfied the High Commission that his residence outside Ceylon was on account of one or more of the purposes stipulated in section 23, he would not have been considered as having lost his Ceylon citizenship and his Ceylon passport could have been renewed.

2. If X in example 1 had been living in the United Kingdom with a spouse who was a citizen of Ceylon by descent, he would not have lost his Ceylon citizenship, no matter for what purpose or how long he had been continuously resident in the United Kingdom.

6. Section 24.—Declaration by Minister of loss of Citizensbip in specified Circumstances

This section empowers the Minister to deprive a registered citizen of his citizenship in certain specified circumstances.

Comment

The circumstances under which the Minister may invoke this section have been clearly set out and except perhaps for the circumstance set out in paragraph (e) of subsection (1) of the section, the provisions are not peculiar to the Ceylon Law. The circumstance stated in paragraph (e) of subsection (1) of the section is no doubt a test of where the registrant's interest lie and the provision does not operate unless the person concerned fails to maintain a substantial connection with Ceylon. The rest of the provisions are, generally speaking, common to the laws of most Commonwealth countries, because they contain provisions for the automatic loss of citizenship by virtue of continous absence abroad over a specified period and provision for deprivation of citizenship in respect of persons whose behaviour and actions are detrimental to the interests of the state. It will also be noted that in regard to paragraph (g) of subsection (1) of section 24, a person will be afforded an opportunity of exculpating himself before the authority that is appointed for the inquiry contemplated in the provision.

CHAPTER FIVE

ANALYSIS OF PART V OF THE ACT

Miscellaneous

1. Section 25—Offences

This section contains penal provisions ; it sets out offences and punishment for such offences.

Comment

The section is self explanatory.

2. Section 26—FEES

The levy of fees for issue of certificates is legalized by this section.

Comment

The fees payable are prescribed in the regulations framed under the Act. The fees are collected before the issue of citizenship certificates by way of uncancelled stamps as follows :—

Section 6—one rupee.

Section 8—two rupees.

Section 11—two rupees.

Section 12—two rupees.

Section 13—fifty rupees.

No fees are payable for issue of certificates in respect of registration of births outside Ceylon (Section 5), declarations of renunciation (Section 19), and for declarations of retention of citizenship (Section 20 (3)).

3. Section 27—Regulations

The regulations made under this section appear in volume VI of the Revised Edition of the Subsidiary Legislation of Ceylon (1956). They were originally published in the following Gazettes :

1. No. 9,936 of 7th January, 1949.
2. No. 10,283 of 17th August, 1951. (These regulations rescinded the regulations passed in 1949.)
3. No. 10,767 of 16th February, 1955.
4. No. 10,832 of 31st August, 1955.

The regulations are reproduced at the end of this book for facility of reference—vide Appendix "B".

4. Section 28—Interpretation

This section interprets the terms, " alien ", " appointed date ", " British subject ", " consular officer of Ceylon ", " minor child " and " prescribed ".

Comments

1. The meaning of these terms so far as they relate to the Act have been made clear by this section. They have been explained, where necessary, when they were used in the preceding chapters of this book.

2. It would be seen that there is no regulation to prescribe the word "purpose" appearing in paragraph (g) of section 23. There is also no regulation to prescribe the " qualifications " appearing in subsection (2) of section 24. There is no doubt that additional regulations will be duly made to supply the omissions in the next amendment to the regulations.

3. Subsection (1) interprets the term " minor child " as a person who has not attained the age of twenty-one years and subsection (2) defines, for purposes of the Act, a person of full age as a person who has attained the age of twenty-one years.

This removes any doubt that may exist in the mind of a person in regard to the specific meaning of these terms, so far as they relate to the Citizenship Act of Ceylon, by reason of the terms "minor" and "major" being defined in any other way in any other law of Ceylon or in the law of any other country. For example, in another country a married woman may be recognised as a major, irrespective of her age, but in Ceylon, for purposes of the Citizenship Act, a person of either sex should be over 21 years of age for recognition as a major, no matter the civil status.

CHAPTER SIX

SOME OBSERVATIONS IN REGARD TO THE PROVISIONS FOR ACQUISITION AND LOSS OF CEYLON CITIZENSHIP

(1) The Citizenship Act, as stated earlier, provides for the acquisition of citizenship in one of the following two ways only :—

(*a*) by right of descent as provided by the Act ;

(*b*) by virtue of registration as provided by the Act or by any other Act authorizing the grant of such status by registration in any special case of a specified description.

(2) In other countries such as the United Kingdom, India, Malaysia etc., provision has been made for acquisition of citizenship in four ways :—

(*a*) by birth ;

(*b*) by descent ;

(*c*) by registration ;

(*d*) by naturalization.

(3) Countries which provide for acquisition of citizenship by birth in the country have followed the principle of " Jus soli ". In other words they follow the principle of recognizing persons born on their soil as citizens, no matter what the nationality of the parents may be. In addition to this they may also apply the principle of " Jus sanjuinis ". In doing so they recognise as citizens persons whose "blood". relations or whose parents are citizens. Owing to local circumstances and other factors mentioned in Chapter two, Ceylon has adopted a blend of these principles in formulating the

conditions under which a person derives the status of a citizen by descent. The acquisition of citizenship by descent is more or less a birth right. It cannot be conferred nor can it be removed.

(4) In some other countries persons who are granted citizenship on application fall into two categories as detailed in para 2 at (*c*) and (*d*). Citizenship by registration is granted to citizens of other Commonwealth countries and citizenship by naturalization is granted to aliens. Here again Ceylon has only one category and applicants who may be Commonwealth citizens or aliens can be granted citizenship by registration, with no preferential treatment, in the law, to the former. This disparity may not appear to be important, but it prevents any distinction being made, under the Ceylon law, between persons, who are Commonwealth citizens and persons, who are not Commonwealth citizens, whereas in other countries such as those mentioned above, the provisions in regard to loss and deprivation of citizenship in respect of citizens by registration are less stringent than those in the case of citizens by naturalization.

(5) As regards the distinction between citizenship by descent and citizenship by registration is concerned, no distinction is made under the Act to give the first category a higher " status " over the other. Differences in regard to these two categories that do exist in the citizenship law exist not in relation to the status of a citizen by descent and to the status of a citizen by registration but in the application of certain provisions of the Act to one category and not to the other. In this connection it is necessary to remember that the Citizenship Act does not lay down the rights and privileges or the duties and obligations of a citizen. Nor does it provide for the grant, conferment or endowment of any rights and privileges to citizens or for the denial of such benefits to non-citizens. Therefore, the Act itself makes no distinction between the two categories.

(6) So far as the provisions in the Ceylon Citizenship Act are concerned, the main differences in their applicability to citizens by descent and citizens by registration are as follows :—

(i) A citizen by descent does not cease to be a citizen by any period of absence from Ceylon, whereas a citizen by registration does. (Section 23 and Section 24 (i) (*e*)).

(ii) The provisions in regard to deprivation of citizenship apply only to citizens by registration.

(iii) A person whose birth is registered under section 5 (2) is required to make a declaration of retention of citizenship of Ceylon, if his father was a citizen by registration. No such declaration is necessary if the father was a citizen by descent.

(iv) For purposes of section 11 (1) (*b*) (i), the mother should be a citizen by descent. If the mother is or was a citizen by registration, the child is not entitled to registration, under this section.

(v) For purposes of registration under section 11 (1) (*b*) (ii) or section 11 (1) (*b*) (iii) the father should have been a citizen by descent. If the father was a citizen by registration the child is not entitled to consideration under these sections.

(vi) A person would not cease to be a citizen under section 23 (*f*) if he was living with a spouse who was a citizen by descent. This exemption does not apply to a person if the spouse was a citizen by registration.

(vii) Resumption under section 8 of the Act is restricted to persons who were citizens by descent. Persons who were citizens by registration are not entitled to consideration under this provision.

(viii) Only persons registered as citizens are required to take the oaths or affirmations of citizenship and allegiance.

(ix) A citizen of Ceylon by descent is allowed a period or twelve months to renounce his other citizenship under section 20 (2), whereas a citizen by registration is allowed only three months under section 21 (2) or under section 21 (3).

Comments

1. The relevant provisions involved are not, generally speaking, peculiar to the Ceylon Act, as they have been modelled on the provisions contained in the citizenship laws of other countries, with certain slight modifications to suit local conditions. Perhaps, the only exceptions are the provisions in regard to deprivation of citizenship contained in section 24 (1) (*e*) and the provisions in some of the other subsections which do not permit any preferential treatment to Commonwealth citizens registered under the Act over aliens, as pointed out in paragraph (4) above. This is due to the absence in the Act for naturalization in addition to registration. Separate provision for naturalization appears to have been excluded as the number of aliens living in Ceylon was negligible and any deserving persons among them could have been accommodated under section 13 of the Act.

2. The question has been posed as to whether a citizen of Ceylon continues to be a British subject and whether a citizen of Ceylon could acquire or could have acquired citizenship of another country, by operation of law of such other country, even though Sri Lanka is today a Sovereign Republic.

The British Nationality Act of 1948, which came into force from 1st January, 1949, defines the status of British subject as being synonymous with the term Commonwealth citizen and that British subjects form the sum total of Commonwealth citizens. Section 28 of the Citizenship Act of Sri Lanka (Ceylon) states that, in the Act, the term " British subject " has the same meaning as in the law of the United Kingdom. Therefore, as the Citizenship Act now stands citizens of Ceylon, being citizens of the Commonwealth, are, ipso facto, British subjects, for purposes of the Act.

A citizen of Ceylon, whose parents, grandparents and other ancestors may have been indigenous to Ceylon could have acquired or could acquire citizenship of another country *involuntarily* if, for example, he was born in another country and the law of that country follows a jus soli principle for acquisition of citizenship by birth. The acquisition of such citizenship is recognised for purposes of the Citizenship Act of Sri Lanka (Ceylon) because of the words " by operation of law " appearing in the Ceylon Act, for instance in subsection (2) of section 20 of the Act. This particular provision leaves no doubt that the acquisition of citizenship of another country, by operation of law of that country, does result in loss of citizenship of Sri Lanka (Ceylon). It is also clear that the words "by operation of law" refer to the operation of law of another country and that the loss of Ceylon Citizenship takes place under the law of Ceylon and not under the law of the other country, although the acquisition of the other citizenship has taken place under the law of the other contry.

Example

"X" was born in England in 1947 to parents who were citizens of Ceylon by descent. As " Ceylonese " had to obtain British passports prior to the introduction of Ceylon passports, the parents of " X " had travelled to England on British passports in which their nationality status had been described as British subjects. " X " returned to Ceylon with his parents in 1954. His name had been included in the Ceylon passport issued to the father. "X" had travelled to England in 1967 on a Ceylon passport and returned to Ceylon in 1972. As his 1967 passport could not be renewed he applied for a new Ceylon passport in 1973.

Q. Could a Ceylon passport have been issued to "X" ?

A. By his birth in England "X" acquired United Kingdom citizenship by operation of law of the United Kingdom and ceased to be a citizen of Ceylon on his 22nd birthday by his failure to renounce United Kingdom citizenship before that date. As "X" was born in 1947 he would have ceased to be a citizen of Ceylon in 1969. Therefore,

a Ceylon passport could not have been issued to him after 1969. If he had to travel abroad urgently, he could have travelled on a British passport. If he desired to obtain a Ceylon passport, he would have had to first resume his Ceylon citizenship under section 8 of the Citizenship Act and renounce his United Kingdom citizenship.

This example illustrates the acquisition of citizenship by operation of law of another country and the loss of Ceyon citizenship by operation of the Ceylon law under subsection (2) of section 20 of the Citizenship Act.

CHAPTER SEVEN

THE INDIAN AND PAKISTANI RESIDENTS (CITIZENSHIP) ACT, No. 3 OF 1949

1. Paragraph (b) of subsection (2) of section 2 of the Citizenship Act makes reference to a person becoming a citizen of Ceylon by vitrue of registration under the Citizen ship Act " or by any other Act authorizing the grant of such status by registration in any special case of a specified description ".

2. The " other " Acts that have so far been passed for the grant of the status of a citizen of Ceylon by registration are :—

(1) The Indian and Pakistani Residents (Citizenship) Act, No. 3 of 1949 and

(2) The Indo-Ceylon Agreement (Implementation) Act, No. 14 of 1967.

A brief word is, therefore, desirable in regard to these two acts.

3. When the Government enacted the Citizenship Act, No. 18 of 1948, which contains the " general law " in regard to citizenship of Sri Lanka, it had also in hand the making of a " special law " in respect of persons of Indian and Pakistani origin, who had been long resident in this country but did not qualify for acquision of citizenship by descent under the provisions of Part II of the Citizenship Act or for the grant of citizenship as provided for under Part III of the Citizenship Act. Discussions had been held and correspondence exchanged between the Prime Ministers of India and Ceylon on this complex subject for some considerable length of time and their outcome was the passing of the Indian and Pakistani Residents (Citizenship) Act in 1949.

4. The main provisions for the grant of citizenship under this Act were—

(*a*) The applicants should have been of Indian or Pakistani origin ;

(*b*) The applicant (if he was a married person) should have had at least seven years uninterrupted residence in Ceylon (ten years if the applicant was an unmarried person) immediately prior to 1st January, 1946, and from 1st January, 1946 to the date of application ;

(*c*) The applicant should have possessed an assured income;

(d) In the case of a married applicant, his wife and minor children, if any, should also have been continuously resident in Ceylon ; and

(*e*) The application should have been made within the period of two years specified, i.e. from 15th August, 1949 to 14th August, 1951.

5. The implementation of this Act, however, did not fulfil expectations as only about 135,000 persons were registered under the Act, and a final solution in respect of the large number of persons who, for various reasons, failed to secure registration under the Act, was left for the future. The problem was later partially solved by the Indo-Ceylon Agreement, 1964, which led to the passing of the Indo-Ceylon agreement (Implementation) Act, No. 14, 1967. That Act is discussed in the next Chapter.

CHAPTER EIGHT

THE INDO-CEYLON AGREEMENT (IMPLEMENTATION) ACT, No. 14 OF 1967

This Act is the second " other Act " which falls within the provisions of paragraph (*b*) of subsection (2) of section 2 of the Citizenship Act. As indicated by its Title, the Act implements the Indo-Ceylon Agreement reached by the Prime Minister of Sri Lanka, Mrs. Sirimavo Bandaranaike and the Prime Minister of India, the late Shri Lal Bahadur Shastri. Althought the Agreement was concluded in October 1964, it took sometime for the necessary new legislation to be enacted and this was completed only in 1968.

2. The main provisions under the Act were :—

(i) The grant of citizenship by registration to 300,000 persons by the Government of Ceylon and to 525,000 persons by the Government of India, and the repatriation to India of those granted Indian Citizenship. The processes were to be spaced over a period of fifteen years.

(ii) Applications were to be restricted to persons of Indian origin who were resident in Ceylon and who had not at any time, been recognised as citizens of Ceylon or citizens of India and the period for lodging applications was restricted to the period of two years from 1st May 1968 to 30th April, 1970'

3. The total number of persons of Indian origin who were covered by the discussion was 975,000. As the Act provides for the registration of 825,000 persons, the balance 150,000

were left for consideration at a later date. This balance has now been covered by the Indo-Ceylon Agreement, 1974, which was recently concluded by the Prime Minister of Sri Lanka, Mrs.Sirimavo Bandaranaike and the Prime Minister of India, Shrimati Indira Gandhi. This agreement provides for the grant of citizenship to 75,000 persons by Sri Lanka and the acceptance of the other 75,000 persons by India. The repatriation of the 75,000 persons registered as Indian citizens will commence after the repatriation of the 525,000 persons under the earlier agreement and will be spread over a period of two years. The 1974 Agreement too will have to be implemented by the enactment and administration of another Act. When that is done it will solve a vexed problem which has confronted the Governments of India and Sri Lanka for nearly forty years and the result will no doubt be hailed as a major achievement in international relations when the history of the so called Indo-Ceylon problem is recorded.

CHAPTER NINE

ACQUISITION BY OPERATION OF LAW OF CITIZEN SHIP OF THE UNITED KINGDOM AND COLONIES, THE FEDERATION OF MALAYA (NOW MALAYSIA) AND SINGAPORE BY PERSONS OF CEYLON ORIGIN.

1. United Kingdom and Colonies

The following are citizens of the U. K. and Colonies in terms of the British Nationality Act, 1948 :—

(1) a person born in the territories comprised on 1.1.49 in the United Kingdom and Colonies, which includes the Settlements of Penang and Malacca, and the Island of Singapore.

(2) the child of a father in the above category.

(3) a British subject (citizens of Ceylon are British subjects) born in the Malay states before 1.1.49 (The Malay States were : Johore, Kedah, Kelantan, Negri Sembilan, Pahang, Perak, Perlis, Selangor and Trengganu).

(4) a woman who was a British subject married before 1.1.1949 to a person who becomes a citizen of the United Kingdom and Colonies under the Act.

Notes

(1) Every person who was born in any of the Malay States mentioned above is not by virtue of such birth alone a British subject.

A person of Ceylon origin born in Malaya would be a British subject, if his father was born in Ceylon. He would *not* be a British subject if his father too was born in a Malay State.

(2) A person born in Singapore became a citizen of Singapore as well as a citizen of the United Kingdom and Colonies. Singapore became part of Malaysia in 1963 and all citizens of Singapore became Malaysian citizens and automatically lost their citizenship of the U. K. and Colonies. When Singapore seceded from Malaysia in 1963, he did not regain his United Kingdom citizenship and continued as a citizen of Singapore.

(3) A person born in Singapore did not acquire U. K. and Colonies citizenship, if he was born after 3rd June, 1959, the appointed day for purposes of the State of Singapore Act, 1958. The Singapore Citizenship Ordinance came into force on 1st Novembre, 1957 except for sections 13 (2), 15 and 23. (*Government Gazette Suppl.* No. 78 of 1957).

2. Citizenship of the Federation of Malaya and Malaysia

Acquisition of citizenship of the Federation of Malaya and of Malaysia has to be divided into three phases :—

(i) Acquisition of citizenship of the Federation of Malaya by virtue of any of the provisions of the Federation of Malaya Agreement, 1948.

(ii) Acquisition of citizenship of the Federation of Malaya under the Federation of Malaya Independence Act, 1957.

(iii) Acquisition of Malaysian citizenship under the Constitution of Malaysia, 1963.

Citizenship of The Federation of Malaya under The Federation of Malaya Agreement, 1948

Citizenship of the Federation of Malaya was a status enjoyed by subjects of the Rulers of the Malay States and some United Kingdom citizens and British subjects fulfilling certain conditions.

The following became citizens of the Federation of Malaya :

(A) **Through United Kingdom Citizenship**

(*a*) a person born in either of the Settlements of Penang and Malacca.

(*b*) a citizen of the United Kingdom and Colonies born anywhere outside the Federation—

(i) before 15th September, 1952, of a father born in either of the Settlements and had completed 15 years continuous residence in the Federation at the time of the person's birth.

(ii) on or after 15th September, 1952, of a father born in either of the Settlements and was at the time of the person's birth a citizen of the Federation of Malaya.

(iii) of a father who was at the time of the person's birth a Federal citizen or a citizen of the Federation of Malaya.

(B) **Through State Nationality**

(i) a person born in the Malay States one of whose parents was born in the Federation is a subject of the Ruler of that State in which he was born.

(ii) a person born anywhere outside the Federation of a father, who at the time of the person's birth is a subject of a Ruler of the State of which the father is a national.

Since the State Nationality Enactments came into force on 15th September, 1952, a Ceylonese who was over 22 years of age and a subject of a Ruler would have had time until 14th September, 1953 to renounce his State Nationality to have continued to remain a citizen of Ceylon.

(C) **By their status as British subjects**

(i) a Birtish Subject born before 15th September, 1952, in a Malay State of a father who had completed 15 years continuous residence in the Federation by

that date is a citizen of the Federation of Malaya, provided that if the person was born before 1st February, 1948, he had resided in the Federation at any time during the period 1st February, 1941—31st January, 1948.

(ii) a person born anywhere outside the Federation, of a father who at the date of the person's birth was a Federal citizen or a citizen of the Federation of Malaya under the preceding clause.

Acquisition of Citizenship by operation of Law of The Federation of Malaya under The Federation of Malaya Independence Act, 1957.

(i) all persons who before 31st August, 1957 were citizens of the Federation by virtue of any of the provisions of the Federation Agreement, 1948. This includes subjects of the Rulers of the Malay States that comprise the Federation.

(ii) all persons born within the Federation on or after 31st August, 1957, excepting children of diplomatic officials.

(iii) children born outside the Federation on or after 31st August, 1957, of a father who is a citizen of the Federation, provided the birth was registered at a Malayan Consulate within a year of its occurence or within such longer period as the Government may have allowed.

Acquisition of Malaysian Citizenship under The Constitution of Malaysia, 1963

Citizenship by operation of law of persons born *before* Malaysia Day (16.9.63), other than Singapore citizens.

(*a*) every person who immediately before Merdeka Day (31.8.57) was a citizen of the Federation by virtue of any of the provisions of the Federation of Malaya Agreement, 1948, whether by operation of law or otherwise.

(*b*) every person born within the Federation on or after Merdeka Day and before October 1962.

(*c*) every person born within the Federation after September 1962, of whose parents one at least was at the time of the birth either a citizen or permanently resident in the Federation, or who was not born a citizen of any other country ;

(*d*) every person born outside the Federation on or after Merdeka Day whose father was a citizen at the time of his birth and either was born in the Federation or was at the time of the birth in service under the government of the Federation or of a State ;

(*e*) every person born outside the Federation on or after Merdeka Day whose father was a citizen at the time of the birth if the birth was, or is, within one year of its occurence or within such longer period as in any particular case was or is allowed by the Government, registered at a Consulate of the Federation, or, if it occurred in, Singapore, Sarawak, Brunei or North Borneo, registered with the Federal Government.

Citizenship by operation of Law of persons born on or after Malaysia Day, other than Singapore Citizens

(*a*) every person born within the Federation outside Singapore of whose parents one at least is at the time of the birth either a citizen, but not a Singapore citizen, or permanently resident in the Federation ; and

(*b*) every person born outside the Federation whose father is at the time of the birth a citizen, but not a Singapore citizen, and either was born in the Federation or is at the time of his birth in the service of the Federation or of a State ; and

(*c*) every person born outside the Federation whose father is at the time of the birth a citizen, but not a Singapore citizen, and whose birth is, within 1 year of its occurence or within such longer period as the

Federal Government may in any particular case allow registerd at a Consulate of the Federation, or, if it occurred in Brunei or if in a territory prescribed for this purpose by order of the Yang di Pertuan Agong, registered with the Federal Government ; and

(*d*) every person born in Singapore of whose parents one at least is at the time of the birth a citizen, but not a Singapore citizen, and who is not born a citizen otherwise than by virtue of this para ; and

(*e*) every person born within the Federation outside Singapore, who is not born a citizen of any country otherwise than by virtue of this para.

Notes

(1) A person is not a citizen by virtue of any of the above provisions, if, at the time of his birth his father not being a citizen, possesses such immunity from suit and legal process as is accorded to an envoy of a sovereign power duly accredited or his father is then an enemy alien, and the birth occurs in a place under the occupation of the enemy.

Automatic loss of Federal citizenship

(2) No person who had been absent from the Federation for a period of over 7 years, immediately preceding the appointed date 1.2.1948, would have become a Federal citizen under the Federation of Malaya Agreement, 1948, if his parents were born outside the Federation.

(3) A Federal citizen would have automatically lost his citizenship, if he had been absent for any continous period of 5 years even though that period had commenced before 15th September, 1952, unless he had obtained a certificate of substantial connection with the Federation.

(4) A citizen of the Federation of Malaya would have lost that citizenship status by virtue of continuous absence from the Federation of Malaya for more than five years prior to 31st August, 1957.

3. Acquisition of Citizenship of Singapore

All persons born *in the Colony* before, on or after, 1st November, 1957 will be citizens of Singapore by birth.

A person born *outside the Colony* before, on or after 1st November, 1957 will be a citizen of Singapore by descent, if at the time of the birth his father is, or would if alive on the date of the coming into operation of this provision be entitled to the status of a citizen of Singapore by birth provided that where such person is born on or after 1st November, 1957 he shall not be such a citizen unless his birth is registered in the prescribed manner within one year of its occurrence or later with the permission of the Minister.

Note

The information given above is in respect of the acquisition of citizenship of the United Kingdom and Colonies, Malaysia and Singapore *by operation of law*. Information in regard to acquisition of citizenship by registration or by naturalisation has not been included.

IMPORTANT

THIS CHAPTER CONSISTS OF A NOTE (SUITABLY MODIFIED) PREPARED BY THE AUTHOR WHEN HE WAS IN OFFICE FROM INFORMATION GATHERED FROM TIME TO TIME. IT SHOULD, HOWEVER, BE REALISED THAT THE APPROPRIATE AUTHORITY WHO COULD DETERMINE WHETHER A PERSON HAS ACQUIRED (OR LOST) CITIZENSHIP OF THE U.K. AND COLONIES, MALAYSIA OR SINGAPORE IS THE APPROPRIATE MINISTRY OF THE COUNTRY CONCERNED AND NOT THE MINISTRY OF DEFENCE AND FOREIGN AFFAIRS OF THE GOVERNMENT OF SRI LANKA. IN THESE CIRCUMSTANCES, WHERE IT BECOMES NECESSARY FOR ANY PERSON TO ASCERTAIN, CATEGORICALLY OR AUTHORITATIVELY, WHETHER OR NOT A PERSON HAS ACQUIRED OR LOST CITIZENSHIP OF ANY COUNTRY MENTIONED IN THIS CHAPTER, HE WOULD BE BEST ADVISED TO CONTACT THE HIGH COMMISSION IN SRI LANKA OF THE COUNTRY CONCERNED. IN REGARD TO SINGAPORE CITIZENSHIP IT WOULD BE BEST TO ADDRESS THE MALAYSIAN HIGH COMMISSION IN SRI LANKA OR THE REGISTRAR, SINGAPORE CITIZENSHIP REGISTRY, EMPRESS PLACE, SINGAPORE 6.

APPENDIX "A"

THE CITIZENSHIP ACT (CHAPTER 349) REPRODUCED FROM VOL XI OF THE REVISED EDITION OF THE LEGISLATIVE ENACTMENTS OF CEYLON (1956)

Acts Nos. 18 of 1948, 40 of 1950, 13 of 1955

AN ACT TO MAKE PROVISION FOR CITIZENSHIP OF CEYLON AND FOR MATTERS CONNECTED THEREWITH.

[*15th November, 1948*]

Short title

1. This Act may be cited as the Citizenship Act.

PART I

CITIZENSHIP OF CEYLON

Status.

2. (1) With effect from the appointed date, there shall be a status to be known as "the status of a citizen of Ceylon".

(2) A person shall be or become entitled to the status of a citizen of Ceylon in one of the following ways only :—

(*a*) by right of descent as provided by this Act ;

(*b*) by virtue of registration as provided by this Act or by any other Act authorizing the grant of such status by registration in any special case of a specified description.

(3) Every person who is possessed of the aforesaid status is hereinafter referred to as a "citizen of Ceylon". In any context in which a distinction is drawn according as that status is based on descent or registration, a citizen of Ceylon is referred to as " citizen by descent " or " citizen by registration " ; and the status of such citizen is in the like context referred to as " citizenship by descent " or " citizenship by registration ".

Citizenship and nationality.

3. A citizen of Ceylon may, for any purpose in Ceylon, describe his nationality by the use of the expression "Citizen of Ceylon".

PART II

CITIZENSHIP BY DESCENT

Citizen ship by descent in the case of persons born before the appointed date.

4. (1) Subject to the other provisions of this Part, a person born in Ceylon before the appointed date shall have the status of a citizen of Ceylon by descent, if—

(*a*) his father was born in Ceylon, or

(*b*) his paternal grandfather and paternal great grandfather were born in Ceylon.

(2) Subject to the other provisions of this Part, a person born outside Ceylon before the appointed date shall have the status of a citizen of Ceylon by descent, if—

(*a*) his father and paternal grandfather were born in Ceylon, or

(*b*) his paternal grandfather and paternal great grandfather were born in Ceylon.

Citizenship by descent in the case of persons born on or after the appointed date.

[§2, 40 of 1950.]

5. (1) Subject to the other provisions of this Part, a person born in Ceylon on or after the appointed date shall have the status of a citizen of Ceylon by descent if at the time of his birth his father is a citizen of Ceylon.

(2) Subject to the other provisions of this Part, a person born outside Ceylon on or after the appointed date shall have the status of a citizen of Ceylon by descent if at the time of his birth his father is a citizen of Ceylon and if, within one year from the date of birth, or within such further period as the Minister may for good cause allow, the birth is registered in the prescribed manner—

(*a*) at the office of a consular officer of Ceylon in the country of birth, or

(*b*) at the office of the Minister in Ceylon.

Certificate of citizenship of Ceylon by descent in case of doubt.

6. Upon application made in that behalf in the prescribed manner, the Minister may, in his discretion, grant, in the prescribed form, a certificate of citizenship of Ceylon by descent to a person with respect to whose status as a citizen of Ceylon by descent a doubt exists ; and a certificate issued under this section to any person shall be conclusive evidence that that person was a citizen of Ceylon by descent on the date thereof, but without prejudice to any evidence that he was such a citizen at an earlier date.

Foundlings.

7. Every person first found in Ceylon as a newly born deserted infant of unknown and unascertainable parentage shall, until the contrary is proved, be deemed to have the status of a citizen of Ceylon by descent.

Resumption of citizenship by descent. [§3, 40 of 1950.]

8. (1) Any person who ceases under section 19 or section 20 to be a citizen of Ceylon by descent may at any time thereafter make application to the Minister for a declaration that such person has resumed the status of a citizen of Ceylon by descent ; and the Minister may make the declaration for which the application is made—

(*a*) if that person renounces citizenship of any other country of which he is a citizen, in accordance with the law in force in that behalf in that other country ; and

(*b*) if that person is, and intends to continue to be, ordinarily resident in Ceylon.

(2) Where a declaration is made in relation to any person under subsection (1), that person shall, with effect from such date as may be specified in the declaration, again have the status of a citizen of Ceylon by descent.

(3) Any person who makes or has made an application under subsection (1) may, in his application or by subsequent letter, make a request for the grant to any minor child of that person of the status of a citizen of Ceylon by descent ; and if in any such case a declaration under subsection (1) is made in

relation to that person, each minor child specified in the declaration shall have the status of a citizen of Ceylon by descent.

(4) The Minister may refuse to make a declaration under subsection (1) in relation to any person on grounds of public policy; and such refusal shall be final and shall not be contested in any court, but without prejudice to the power of the Minister subsequently to make such a declaration in relation to that person.

(5) The Minister may in his diseretion exempt any person from the requirements of paragraph (*a*) of subsection (1) of this section, and make a declaration under that subsection notwithstanding that such person does not comply with the said requirements.

Persons born out of wedlock.

9. (1) Any reference to father, paternal grandfather, or paternal great grandfather in any of the provisions of this Part relating to citizenship by descent shall, in regard to a person born out of wedlock and not legitimated, be deemed to be a reference to mother, maternal grandfather, or maternal great grandfather respectively.

(2) A person shall be deemed, for the purposes of this section, to have been legitimated if his parents married each other subsequent to his birth.

Posthumous persons.

10. Any referece in this Part to the status or description of the father of a person at the time of that person's birth shall, in regard to a person born after the death of his father, be deemed to be a reference to the status or description of the father at the time of the father's death ; and where that death occurred before, and the birth occurs on or after the appointed date, the status or description which would have been applicable to the father had he died on or after that date shall be deemed to be the status or description applicable to him at the time of his death.

PART III

CITIZENSHIP BY REGISTRATION

Persons entitled to registration as citizens.

11. (1) This section shall apply to any applicant for registration as a citizen of Ceylon who has the following qualifications :—

(*a*) that the applicant is of full age and of sound mind ;

(*b*) that the applicant—

(i) is a person whose mother is or was a citizen of Ceylon by descent or would have been a citizen of Ceylon by descent if she had been alive on the appointed date, and who, being married has been resident in Ceylon throughout a period of seven years immediately preceding the date of the applictaion, or, being unmarried, has been resident in Ceylon throughout a period of ten years immediately preceding the date of the application, or

[§ 4, 40 of 1950.]

(ii) is a person, whose father was a citizen of Ceylon by descent, and who would have been a citizen of Ceylon under subsection (2) of section 5 if his birth had been registered in accordance with the provisions of that subsection, or

[§ 4, 40 of 1950.]

(iii) is a person whose father, having been a citizen of Ceylon by descent whether at or before the time of the birth of that person, ceased under section 20 to be a citizen of Ceylon ; and

(c) that the applicant is, and intends to continue to be, ordinarily resident in Ceylon.

(2) Subject to the other provisions of this Part, a person to whom this section applies shall—

[§ 2, 13 of 1955.]

(*a*) if he has the qualification set out in sub-paragraph (i) of paragraph (b) of subsection

(1) of this section, be registered as a citizen of Ceylon on his making application in that behalf to the Minister in the prescribed manner, or

(*b*) if he has the qualification set out in sub-paragraph (ii) or sub-paragraph (iii) of the aforesaid paragraph (b), be so registered on his making such application, unless the Minister decides to disallow such application on grounds of public policy. [§ 4, 40 of 1950.]

(3) The Minister's refusal, under subsection (2) (b) of this section, to allow the application of any person for registration as a citizen of Ceylon shall be final and shall not be contested in any court,

Registration of spouse, widow or widower of citizen of Ceylon.

12. (1) Subject to the other provisions of this Part, no person who is the spouse, or the widow or widower of a citizen of Ceylon by descent or registration, shall be registered as a citizen of Ceylon under this Act, except in accordance with the succeeding provisions of this section.

(2) A person who desires to be registered as a citizen of Ceylon under this section shall send an application in the prescribed form and manner to the prescribed officer. [§ 3, 13 of 1955.]

(3) After the receipt of the application under subsection (2), the prescribed officer shall send the application to the Minister, if he is satisfied that the applicant has the following qualifications :—

(*a*) that the applicant has the qualifications specified in paragraphs (*a*) and (*c*) of subsection (1) of section 11 ;

(*b*) that the applicant has been resident in Ceylon throughout a period of one year immediately preceding the date of the application of such applicant ; and

(*c*) that the applicant is the spouse, or the widow or widower, of a citizen of Ceylon by descent or registration.

(4) The Minister may refuse an application sent to him under subsection (3), if he is satisfied that it is not in the public interest to grant the application.

(5) Where the Minister grants an application for registration made under this section by any person, such person shall be registered as a citizen of Ceylon.

(6) The Minister's refusal under subsection (4) of this section to allow the application of any person for registration as a citizen of Ceylon shall be final and shall not be contested in any court.

Registration, as citizens, of persons to whom sections 11 or 12 do not apply.

[§4, 13 of 1955.]

13. (1) Subject to the other provisions of this Part, a person to whom section 11 or section 12 does not apply may, on his making application in that behalf to the Minister in the prescribed manner, be registered as a citizen of Ceylon if the Minister is satisfied —

(*a*) that he is a person who —

(i) has rendered distinguished public service or is eminent in professional, commercial, industrial, or agricultural life, or

(ii) has been granted in Ceylon a certificate of naturalization under the British Nationality and Status of Aliens Act, 1914,* of the United Kingdom, or Letters Patent under the Naturalization Ordinance, 1890,† and has not ceased to be a British subject, and

(*b*) that he is, and intends to continue to be, ordinarily resident in Ceylon.

(2) The number of persons registered as citizens of Ceylon under this section shall not exceed twenty-five in any year.

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* Repealed to the extent indicated in Part II of the Fourth Schedule to the British Nationlity Act, 1948 [11 & 12 Geo. VI, C. 56].

† Repealed by Act No. 18 of 1948.

(3) The Minister's refusal under this section to allow the application of any person for registration as a citizen of Ceylon shall be final and shall not be contested in any court.

Minor children of applicants for registration as citizens of Ceylon.

14. (1) Where an applicant for registration as a citizen of Ceylon has any minor child, he may in his application or by subsequent letter make a request for the inclusion of the name of that child in the certificate of registration which may be granted to him under this Part.

(2) Where a request as aforesaid is made by an applicant under section 11 or section 12 or section 13, the Minister may, subject to the other provisions of this Part, comply with the request if the applicant is registered as a citizen of Ceylon.

[§ 5, 13 of 1955.]

Persons who are not to be granted citizenship by registration.

15. (1) Save as provided in section 11, a person who has ceased to be a citizen of Ceylon shall not be granted citizenship by registration.

(2) A person who is a citizen of any country other than Ceylon under any law in force in that country shall not be granted citizenship by registration unless he renounces citizenship of that country in accordance with that law.

(3) The Minister may in his discretion exempt any person from the provisions of subsection (2) of this section; and nothing in that subsection shall prevent the registration as a citizen of Ceylon of any person so exempted.

[§ 5, 40 of 1950.]

Register.

16. There shall be kept and maintained, in the prescribed form, a register of persons who are granted citizenship by registration.

Certificates of registration.

17. The Minister shall grant, in the prescribed form, a certificate of registration as a citizen of Ceylon to every person who is registered under section 11 or section 12 or section 13 and, where he decides to comply with a request made by that person under section 14, shall include in the certificate the name of every minor child to whom the request relates.

[§ 6,13 of 1955.]

Effect of certificates of registration.

18. (1) A British subject to whom a certificate of registration as a citizen of Ceylon is granted shall, on subscribing the prescribed oath or affirmation of citizenship, have the status of a citizen of Ceylon by registration as from the date of that certificate.

(2) An alien to whom a certificate of registration as a citizen of Ceylon is granted shall, on subscribing the prescribed oath or affirmation of allegiance and the prescribed oath or affirmation of citizenship, have the status of a citizen of Ceylon by registration as from the date of that certificate.

(3) A minor child whose name is included in a certificate of registration as a citizen of Ceylon shall have the status of a citizen of Ceylon by registration as from the date of that certificate.

PART IV

Loss Of Citizenship

Renunciation of citizenship of Ceylon.

19. If a citizen of Ceylon of full age and of sound mind makes a declaration of renunciation of citizenship of Ceylon in the prescribed manner, the Minister shall cause the declaration to be registered; and, upon registration thereof, the declarant shall cease to be a citizen of Ceylon :

Provided however that the Minister may withhold registration of such declaration if it is made during the continuance of any war in which Ceylon is engaged and if, by the operation of any law enacted in consequence of that war, the declarant is deemed for the time being to be an enemy.

Restrictions against dual citizenship of persons who are citizens by descent.

20. (1) Where a person born before the appointed date is a citizen of Ceylon by descent and is also on that date a citizen of any other country, that person shall —

(*a*) on the 31st day of December, 1952, or

(*b*) on the day on which he attains the age of twenty-two years,

whichever day is in his case the later, cease to be a citizen of Ceylon, unless before that day he renounces citizenship of that other country in accordance with the law therein in force in that behalf and notifies such renunciation to a prescribed officer. [§ 6, 40 of 1950.]

(2) Where a person is a citizen of Ceylon by descent and that person, by operation of law ,is at the time of his birth or becomes thereafter, also a citizen of any other country, that person shall —

(*a*) on the 31st day of December, 1952, or

(*b*) on the day immediately succeeding the date of the expiration of a period of twelve months from the date on which he so becomes a citizen of that other country, or

(*c*) on the day on which he attains the age of twenty-two years,

whichever day is in his case the latest, cease to be a citizen of Ceylon, unless before that day he renounces citizenship of that other country in accordance with the law therein in force in that behalf and notifies such renunciation to a prescribed officer.

(3) A person who, under subsection (2) of section 5, is a citizen of Ceylon by descent but whose father is or was a citizen of Ceylon by registration, shall, on the day on which he attains the age of twenty-two years, cease to be a citizen of Ceylon, unless before that day he transmits to the Minister in the prescribed manner and form a declaration of retention of citizenship of Ceylon.

(4) In the case of any person to whom the provisions of any of the preceeding subsections apply, the Minister may in his discretion direct that those provisions shall apply in that case subject to the modification that the reference therein to the age of twenty-two years shall be construed as a reference to such higher age as may be specified in the direction.

(5) A person who is a citizen of Ceylon by descent shall cease to be a citizen of Ceylon if he voluntarily becomes a citizen of any other country.

(6) Where a person who, having been exempted from the requirements of paragraph (*a*) of subsection (1) of section 8, resumes the status of a citizen of Ceylon by descent by virtue of a declaration under that subsection, that person shall, on the day immediately succeeding the date of the expiration of a period of three months (or such longer period as the Minister may for good cause allow) from the date of the declaration, cease to be a citizen of Ceylon, unless he earlier complies with the requirements of the aforesaid paragraph (*a*).

Restrictions against dual citizenship of persons who are citizens by registration.

[§ 6,40 of 1950.]

21. (1) A person who is a citizen of Ceylon by registration shall cease to be a citizen of Ceylon if he voluntarily becomes a citizen of any other country.

(2) Where a person who is registered as a citizen of Ceylon thereafter becomes, by operation of law, also a citizen of any other country, that person shall —

(*a*) on the day immediately succeeding the date of the expiration of a period of three months (or such longer period as the Minister may for good cause allow) from the date on which he so becomes a citizen of that other country, or

(*b*) on the day on which he attains the age of twenty-two years,

whichever day is in his case the later, cease to be a citizen of Ceylon, unless before that day he renounces citizenship of that other country in accordance with the law therein in force in that behalf and notifies such renunciation to a prescribed officer.

(3) Where any person—

(*a*) who, having been exempted from the provisions of subsection (2) of section 15, is registered under this Act as a citizen of Ceylon, or

(*b*) who is registered under the Indian and Pakistani Residents (Citizenship) Act as a citizen of Ceylon,

continues after such registration to be a citizen of any other country, that person shall—

(i) on the day immediately succeeding the date of the expiration of a period of three months (or such longer period as the Minister may for good cause allow) from the date of his registration as a citizen of Ceylcn, or

(ii) on the day on which he attains the age of twenty-two years,

whichever day is in his case the later, cease to be a citizen of Ceylon, unless before that day he renounces citizenship of that other country in accordance with the law therein in force in that behalf and notifies such renunciation to a precribed officer.

Cases of invalid or ineffective renunciations of foreign citizenship.

[§ 6, 40 of 1950.]

22. In any case where any person purports to renounce citizenship of any country for the purpose of acquiring, retaining or resuming, under any provision of this Act, the status of a citizen of Ceylon, and it is found at any time that the renunciation was not in accordance with or not effective under the law in force in that behalf in such other country, that person shall be deemed never to have acquired, retained or resumed, under that provision, the status of a citizen of of Ceylon ; and if the Minister makes a declaration to that effect in any such case, the declaration shall be final and shall not be contested in any court.

Residence outside Ceylon for five consecutive years.

23. A person who is a citizen by registration shall cease to be a citizen of Ceylon if that person resides outside Ceylon for five consecutive years or more, exclusive of any period during which that person —

(*a*) is employed abroad as an officer in the service of the Government of Ceylon, or

(*b*) is abroad as a representative of the Gorvenment of Ceylon, or

(*c*) being the spouse or minor child of a citizen of Ceylon who is abroad in any of the capacities specified in paragraphs (*a*) and (*b*) of this section, resides abroad with that citizen, or

(*d*) resides abroad on a holiday or for reasons of health, or

(*e*) is a student at an educational institution abroad, or

(*f*) resides abroad with a spouse who is a citizen of Ceylon by descent, or

(*g*) is abroad for any prescribed purpose.

Declaration by Minister of loss of citizenship in specified circumstances.

[§ 7,13 of 1955.]

24. (1) Where the Minister is satisfied that a person who is a citizen of Ceylon by registration —

(*a*) has been convicted of an offence under this Act ; or

(*b*) has been convicted of any offence under Chapter VI of the Penal Code ; or

(*c*) was registered as a citizen of Ceylon by means of fraud, false representation, or the concealment of material circumstances or by mistake ; or

(*d*) has, within five years after the date of registration as a citizen of Ceylon, been sentenced in any court to imprisonment for a term of twelve months or more ; or

(*e*) has, since the date of his becoming a citizen of Ceylon by registration, been for a period of not less than two years ordinarily resident in a foreign country of which he was a national or citizen at any time prior to that date, and has not maintained a substantial connection with Ceylon ; or

(*f*) has taken an oath or affirmation of, or made a declaration of allegiance to a foreign country ; or

(*g*) has so conducted himself that his continuance as a citizen of Ceylon is detrimental to the interests of Ceylon,

the Minister may by order declare that such person shall cease to be such a citizen, and thereupon the person in respect of whom the order is made shall cease to be a citizen of Ceylon by registration.

(2) Before the Minister makes any order in relation to a person to whom paragraph (*g*) of subsection (1) of this section applies, he shall refer that person's case for inquiry by one or more persons appointed by him, with such qualifications as may be prescribed. The person or persons who have been authorized to make an inquiry under the preceding provisions of this section shall, as soon as the inquiry is completed, make a written report to the Minister. He shall not make any order under subsection (1) of this section without carefully considering such report.

(3) Where a person ceases to be a citizen of Ceylon under subsection (1) of this section, the Minister may by order direct that all or any of the persons specified in the following paragraphs shall cease to be citizens of Ceylon, and thereupon they shall cease to be citizens :—

(*a*) all or any of the minor children of such person who have been included in the certificate of registration issued to him at the time of his registration, and

(*b*) the spouse, widow or widower of such person, if such spouse, widow or widower was registered under this Act.

PART V

MISCELLANEOUS

Offence.

25. Any person who, for the purpose of procuring anything to be done or not to be done under this Act, makes any statement which he knows to be false in a material particular shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a term not exceeding three months.

Fees.

26. Every person to whom a certificate under this Act is granted shall, in respect of that certificate, pay, in the prescribed manner, a fee according to the prescribed rates.

Regulations.

27. (1) The Minister may make all such regulations as may be necessary for giving effect to the provisions of this Act, and in particular for prescribing any matter which is stated or required to be prescribed.

(2) No regulation made by the Minister shall have effect until it has received the approval of the Senate and the House of Representatives and notification of such approval is published in the Gazette.

Interpretation.

28. (1) In this Act, unless the context otherwise requires —

"alien" means a person who is not a British subject ;

"appointed date" means the 15th day of November, 1948 ;

"British subject" has the same meaning as in the law of the United Kingdom ;

"consular officer of Ceylon" includes an Ambassador, a High Commissioner, a Commissioner, a representative, or a Trade Commissioner, of Ceylon ; [§ 7, 40 of 1950.]

"minor child" means a person who has not attained the age of twenty-one years ;

"prescribed" means prescribed by regulation made under this Act.

(2) For the purposes of this Act a person of full age is a person who has attained the age of twenty-one years.

APPENDIX "B"

THE CITIZENSHIP REGULATIONS

REPRINTED FROM VOL. VI OF THE REVISED EDITION OF THE SUBSIDIARY LEGISLATION OF CEYLON (1956).

(10,283/ 17-8-1951.) 1. These regulations may be cited as the Citizenship Regulations, 1951.

2. Application for registration of birth under section 5 (2) of the Act shall be made by the father or mother of the child whose birth is to be registered :

(10,767/ 16-2-1955.) Provided that where the parents of the child are dead, or are unable to make such application within such time as would enable the birth to be registered within one year from the date of birth as required by the Act, by reason of their illness, absence from the country of birth or other good cause in the opinion of the Permanent Secrteary or a consular officer, the application may be made by any other person having a personal knowledge of the facts.

3. (1) The application referred to in regulation 2 shall be sent in duplicate to the consular officer, if any, in the country of birth or direct to the Permanent Secretary. Where a consular officer receives any such application, he shall cause one copy of the application to be filed in his office and the other copy to be sent, together with his report thereon, to the Permanent Secretary.

(2) Before a consular officer sends the report referred to in paragraph (1), on the application for registration, he shall satisfy himself as to the accuracy of the statements made in that application and he may require the applicant to supply such evidence including the production of birth certificates, as such officer may deem necessary for the puropse.

4. Where the application referred to in regulation 2 is sent direct to the Permanent Secretary, it shall, wherever possible, be accompanied by a certificate of birth.

5. On receiving any application under regulation 3, whether such application is sent direct or through a consular officer, the Permanenty Secretar may make such inquiry and require such further evidence, as he may consider necessary, to verify the accuracy of the particulars stated in the application.

6. After the Permanent Secretary has considered an application sent under regulation 3 through a consular officer, he shall —

(*a*) make a written order directing the consular officer to register the birth in the appropriate register ;

(*b*) request such officer to supply such further evidence as the Permanent Secretary may require ; or

(*c*) order the consular officer to refuse the application for registration :

Provided that where the Permanent Secretary makes the request referred to in clause (*b*), he shall, after considering the further evidence supplied, make an order in terms of clause (*a*) or clause (*c*).

7. (1) Where the Permanent Secretary makes an order under regulation 6 directing the registration of a birth, on receipt of that order at the office of the consular officer, he or any person authorized by him in that behalf shall forthwith make such registration.

(2) As soon as a birth has been registered under paragraph (1),the consular officer or a person authorized by him in that behalf shall forthwith inform the Permanent Secretary of the fact of registration.

8. After the Permanent Secretary has considered an application sent under regulation 3 direct to him, he shall —

(*a*) at the office of his Minister, register the birth in the appropriate register or direct an officer authorized by him in that behalf so to do at such office ; or

(*b*) refuse such application.

9. (1) Where the Permanent Secretary has been informed under regulation 7 (2) that a birth has been registered, and where a birth has been registered under regulation 8, he shall cause to be issued in each case a certificate of registration, which shall as far as possible be in accordance with form A set out in the Schedule hereto.

(2) The certificate of registration issued under paragraph (1) shall be sent by registered post, to the applicant through the consular officer in case the registration was made at the office of such officer, and to the applicant direct in case the registration was made at the office of the Minister.

(3) The certificate of registration issued under paragraph (1) shall, for the purpose of section 5 (2) of the Act, be conclusive proof of registration.

10. There shall be maintained at the Ministry and at the office of each consular officer a Register of Births in a form approved by the Minister.

11. (1) An application foı a certificate under section 6 of the Act shall be sent to the Permanent Secretary, and the statements in that application shall be supported by affidavit.

(2) The application referred to in paragraph (1) shall, wherever possible, be accompanied by any documentary evidence available to prove the facts set out in the application and material to a decision of the entitlement of citizenship by descent.

(3) The application referred to in pavagraph (1) shall be supported by three persons each of whom must be —

(*a*) a citizen of Ceylon by descent ;

(*b*) intimately acquainted with and having a personal knowledge of the applicant and his family ; and

(*c*) able from his personal knowledge and belief to vouch for the truth of the statements made by the applicant.

12. Before the Minister grants the certificate of citizenship referred to in section 6 of the Act, he may require an applicant for such certificate to supply such further information and proof as the Minister may think necessary.

13. A certificate of citizenship granted under section 6 of the Act shall, as far as possible, be in accordance with form B set out in the Schedule hereto, and such certificate shall not be issued until a fee of one rupee is paid.

14. (1) Every application for a declaration by the Minister under section 8 —

(*a*) shall be sent to the Permanent Secretary, and the statements therein shall be supported by affidavit ;

(*b*) shall, wherever possible, be accompanied by any documentary evidence in support of such facts set out in the application, as may be material for a determination of the question as to whether the applicant is entitled to resume the status of a citizen of Ceylon by descent ; and

(*c*) shall be supported by three persons each of whom must be —

(i) a citizen of Ceylon by descent ;

(ii) intimately acquainted with and having a personal knowledge of the applicant and his family; and

(iii) able from his personal knowledge and belief to vouch for the truth of the statements made by the applicant.

(2) Before the Minister makes a declaration under section 8, he may require an applicant for such a declaration to furnish such further information and proof as may be necessary.

(3) A declaration of the Minister under section 8 of the Act shall as far as possible be in accordance with from C setout in the Schedule hereto and shall not be issued until a fee of two rupees is paid.

(10,767 / 16-2-1955.)

(10,832/ 31-8-1955.)

14A. (1) An application for registration under section 12 shall, as far as possible, be in accordance with form M set out in the Schedule hereto.

(2) The prescribed officer for the purposes of section 12 shall be the Permanent Secretary or an Assistant Secretary.

(10,832/ 31-8-1955.)

15. (1) The statements in any application for registration under section 11 or section 12 or section 13 of the Act shall be supported by affiavit.

(10,832/ 31-8-1955.)

(2) An application for registration under the aforesaid section 11 or section 12 shall, wherever possible, be accompanied by any docunmentary evidence available to prove the facts set out in the application.

(10,832/ 31-8-1955.)

(3) Before the Minister allows an application for registration under the aforesaid section 11 or section 13 or grants an application for registration under the aforesaid section 12 he may require the applicant to furnish such information and proof as the Minister may think necessary.

(10,832/ 31-8-1955.)

(4) An application for registration under the aforesaid section 11 or section 12 shall be supported by three persons, each of whom must be —

(*a*) a citizen of Ceylon by descent ;

(*b*) intimately acquainted with and having a personal knowledge of the family of the applicant's mother or of the spouse or of his father, as the case may be ; and

(*c*) able from his personal knowledge and belief to vouch for the truth of the statements made by the applicant.

16. (1) A certificate of registration issued to a person registered under section 11 of the Act shall, as far as possible, be in accordance with form D set out in the Schedule hereto, and such certificate shall not be issued unless a fee of two rupees is paid.

(2) A certificate of registration issued to a person registered under section 12 of the Act shall, as far as possible, be in accordance with form N set out in the Schedule hereto, and such certificate shall not be issued unless a fee of two rupees is paid. **(10,832/ 31-8-1955.)**

(3) A certificate of registration issued to a person registered under section 13 of the Act shall, as far as possible, be in accordance with form E set out in the Schedule hereto, and such certificate shall not be issued unless a fee of fifty rupees is paid : **(10,832/ 31-8-1955.)**

Provided that the Minister may in his discretion in any particular case waive the aforesaid fee.

17. (1) Where a request is made by letter, for the inclusion of the name of a minor child in any certificate of regitration granted under section 11 or section 12 or section 13 of the Act, such letter shall contain the name and date of birth of such child, and the statements therein shall be supported by affidavit. **(10,832/ 31-8-1955.)**

(2) Where a person who has made an application for a declaration under section 8 makes by subsequent letter, a request for the grant to any minor child of that person the status of a citizen of Ceylon by descent, he shall state in such letter the name and date of birth of such child and those statements shall be supported by affidavit.

18. The oath or affirmation of allegiance and the oath or affirmation of citizenship shall be made within one calendar month from the date of the grant of the certificate of registration, or within such extended time as the Minister in special circumstances may direct.

19. The oaths or affirmations referred to in regulation 18 shall be administered by the Permanent Secretary, an Assistant Secretary, a Government Agent, or an Assistant Government Agent.

20. Where a person is unable to read or write English, before the oath or affirmation is administered it shall be explained to him by the officer administering it.

21. The oaths and affirmations referred to in regulation 18 shall, as far as possible, be in accordance with the forms F, G, H, and I set out in the Schedule hereto.

22. A register of persons granted citizenship by registration shall be maintained in the office of the Minister, and shall, as far as possible, be in accordance with form J set out in the Schedule hereto.

23. (1) A declaration of renunciation of citizenship, under section 19 of the Act, shall as far as possible be in accordance with form K set out in the Schedule hereto, and shall be sent to the Minister.

(2) The declaration referred to in paragraph (1) shall be supported by affidavit.

24. (1) A declaration of retention of citizenship under section 20 (3) of the Act shall, as far as possible, be in accordance with form L set out in the Schedule hereto, and shall be sent to the Minister.

(2) The declaration referred to in paragraph (1) shall be supported by affidavit.

25. (1) For the purposes of section 20 or section 21, the Permanent Secretary or any consular officer shall be a prescribed officer.

(2) Where a person notifies renunciation of the citizenship of any other country to a prescribed officer in accordance with the requirements of section 20 or section 21 of the Act, the prescribed officer shall satisfy himself that such renunciation has been duly made and thereupon enter the fact of such renunciation in a register maintained for the purpose at the Ministry or consular office, as the case may be.

Before the prescribed officer makes such entry in the register, he may require the person concerned to furnish such information and proof as he may think necessary.

26. Every applicant for registration under section 5 (2), for a certificate under section 6, or for a declaration under section 8, or for registration under section 11 or section 13, of the Act, shall apply on the appropriate form, obtained from the Ministry of Defence and External Affairs or from the office of a consular officer.

27. The Citizenship Regulations, 1948, published in Gazette No. 9,936 of January 7, 1949, are hereby rescinded.

28. In these regulations, unless the context otherwise requires —

"Act" means the Citizenship Act.,

"Assistant Secretary" means an Assistant Secretary of the Ministry of Defence and External Affairs ;

"consular officer" means consular officer of Ceylon ;

"Minister" means the Minister of Defence and External Affairs ; and

"Permanent Secretary" means the Permanent Secretary, Ministry of Defence and External Affairs.

SCHEDULE

Form A

Application No.

Certificate No.————

THE CITIZENSHIP ACT

CERTIFICATE OF REGISTRATION OF BIRTH OUTSIDE CEYLON

This is to certify that the birth of ————regarding whom the particulars set out hereunder have been given, has been duly registered in accordance with the requirements of section 5 (2) of the Citizenship Act.

Name of child :————.

Date of birth : ————.

Place of birth : ————.

Name of father : ————.

Nationality of father : ————.

Name of mother : ————.

Nationality of mother : ————.

————

Permanent Secretary,
Ministry of Defence and External Affairs.

Date : ————.

Ministry of Defence and External Affairs,
Colombo.

Form B

CITIZENSHIP ACT

CERTIFICATE OF CITIZENSHIP OF CEYLON BY DESCENT GRANTED TO A PERSON WITH RESPECT TO WHOSE STATUS AS A CITIZEN OF CEYLON BY DESCENT A DOUBT EXISTS

Whereas————with reference to whose status as a citizen of Ceylon by descent a doubt exists, has duly applied to the Minister of Defence and External Affairs for a certificate of citizenship as provided for by section 6 of the Citizenship Act, alleging with respect to himself (herself) the particulars set out below :

(10,767/16-2—1955.)

Now, therefore, in pursuance of the powers conferred on him by the said section 6 and for the purpose of removing the said doubt, the Minister of Defence and External Affairs certifies that the said———— is a citizen of Ceylon by descent and declares that he is entitled to all political, and other rights, powers, and privileges and is subject to all obligations, duties and liabilities to which a citizen of Ceylon by descent is entitled or subject, and has to all intents and purposes the status of a citizen of Ceylon by descent.

In witness whereof I have hereunto subscribed my name.

————

Permanent Secretary.

Date : ————.

Ministry of Defence and External Affairs,
Colombo.

Particulars relating to applicant

Full name : ————.
Address : ————.
Trade or occupation : ————.
Place and date of birth :————.
Name and nationality of father : ————.
Name and nationality of mother : ————.
Claim to citizenship by descent : ————.

Form C

THE CITIZENSHIP ACT

DECLARATION UNDER SECTION 8

Whereas————who ceased under section* 19/20 of the Citizenship Act to be a citizen of Ceylon by descent, has applied to the Minister for a declaration under section 8 of the Act that he has resumed the status of a citizen of Ceylon by descent, alleging with respect to himself the particulars set out below : **(10,767/16-2-1955·)** **(10,767/16-2-1955·)**

And whereas the Minister is satisfied that the said———— has complied with the requirements of the said seticon 8 : **(10,767/16-2-1955·)**

*And whereas the said————being a citizen of a country other than Ceylon has, under subsection (5) of section 8 of the Act, been exempted by the Minister from the requirements of paragraph (*a*) of subsection (1) of the said section:

Now, therefore, in pursuance of the powers conferred on him by the said section 8, the Minister of Defence and External Affairs declares that, with effect from the date of this declaration the said———— has resumed the status of a citizen of Ceylon by descent and that he is entitled to all political and other rights, powers, and privileges and is subject to all obligations, duties and liabilities to which a citizen of Ceylon by descent is entitiled or subject, and has to all intents and purposes, the status of a citizen of Ceylon by descent. **(10,767/16-2-1955·)**

In witness whereof I have hereunto subscribed my name,.

————

Parmenent Secretary.

Date : ————.
Ministry of Defence and External Affairs,
Colombo.

Particulars relating to applicant

Full name : ————.

Address : ————

Trade or occupation : ————.

Place and date of birth : ————.

Name and nationality of father : ————.

Name and nationality of mother : ————.

Claim to citizenship by descent : ————.

Particulars of Renunciation of other nationality he possessed :———

Particulars of minor children : ————.

Name : ————.

Date and place of birth : ————.

** Note*

————who has been exempted by the Minister from the requirments of paragraph (*a*) of subsection (1) of section 8, shall cease to be a citizen of Ceylon on the day immediately succeeding the date of the expiration of a period of three months from the date of this certificate unless before that date he renounces his foreign citizenship in accordance with the law therein in force in that behalf and notifies such renunciation to the prescribed officer.

* Delete if inappropriate.

Form D

THE CITIZENSHIP ACT

CERTIFICATE UNDER SECTION 17

(10,767/16-2-1955·)

WHEREAS ———————————————— has applied to the Minister of Defence and External Affairs for a certificate that he/she has been registered as a citizen of Ceylon under section 11 of the Citizenship Act alleging with respect to himself/herself the particulars set out overleaf :

AND WHEREAS the Minister is staisfied that the said ———————— ————————has been registered as a citizen of Ceylon under the the said section 11 :

*AND WHEREAS the said————————being a citizen of a country other than Ceylon has under subsection (3) of section 15 of the said Act been exempted by the Minister from the provisions of subsection (2) of that section:

NOW THEREFORE, in pursuance of the powers conferred on him by section 17 of the said Act, the Minister of Defence and External Affairs certifies that the said——————————————has been registered as a citizen of Ceylon under the said section 11, and declares that upon his her duly making the oath or affirmation of citizenship, and if so required by the Act, the oath or affirmation of allegiance, within the time and in the manner prescribed by regulations made in that behalf he/she shall be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, duties and liabilities to which a citizen of Ceylon by registration is entitled or subject, and have, to all intents and purposes the status of a citizen of Ceylon by registration.

In witness wherof I have hereunto subscribed my name,.

————,
Permanent Secretary

————,
MINISTER

Date :

Ministry of Defence and
External Affairs, Colombo

Particuars

Full name : ————.
Address : ————.
Occupation : ————.
Date and place of birth : ————.
Height : ————.
Colour of hair : ————.
Distinguishing marks or features : ————.
Other nationality possessed at time of registration : ————.
(See Note)
Particulars of qualifications : ————.
Name and nationality of father : ————.
Name and nationality of mother : ————.
Name and nationality of spouse : ————.

Pohtographs of

(i) (Holder of Certificate)

(ii) (Spouse)

Specimen Signature/Thumb Impressions of

(1) Holder : ————.

(2) Spouse : ————.

Particulars of minor children : ————.
Name : ————.
Sex : ————.
Date and place of birth : ————.

** Note*

————who has been exempted, by the Minister from the provisions of sub-section (2) of section 15, shall cease to be a citizen of Ceylon on the day immediately succeeding the date of the expiration of a period of three months from the date of his/her registration or on the day on which he/she attains the age of 22 years, whichever day in his/her case is the later, unless he she renounces his/her foreign citizenship in accordance with the law therein in force in that behalf and notifies such renunciation to the prescribed officer.

This portion is to be completed by the officer who administers the oath or affirmation.

1. The oath/affirmation of citizenship was made before me on this day of ————, 19——.
2. The oath/affirmation of allegiance was made before me on this day of ————, 19——.

————,

Signature and Designation of Officer
Administering Oath/Affirmation.

Particulars of Renunciation of Other Nationality

Form E

THE CITIZENSHIP. ACT

CERTIFICATE UNDER SECTION 17

(10,767/
16-2-1955·)

WHEREAS ———————————————
has applied to the Minister of Defence and External Affairs for a certificate that he/she has been registered as a citizen of Ceylon under section 13 of the Citizenship Act, alleging with respect to himself/herself the particulars set out overleaf :

AND WHEREAS the Minister is satisfied that the said————has been registered as a citizen of Ceylon under the said section 13 :

*AND WHEREAS the said————being a citizen of a country other than Ceylon has under subsection (3) of section 15 of the said Act been exempted by the Minister from the provisions of subsection (2) of that section :

---

* Delete if inappropriate.

* Delete if inappropriate.

NOW, THEREFORE, in pursuance of the powers conferred on him by section 17 of the said Act, the Minister of Defence and External Affairs certifies that the said——————has been registered as a citizen of Ceylon under the said section 13, and declares that upon his/her duly making the oath or affirmation of citizenship, and if so required by the Act, the oath or affirmation of allegiance, within the time and in the manner prescribed by regulations made in that behalf, he/she shall be entitled to all political and other rights, powers, and privileges, and be subject to all obligations. duties and liabilities to which a citizen of Ceylon by registration is entitled or subject, and have, to all intents and purposes the status of a citizen of Ceylon by registration.

in witness whereof I have hereunto
subscribed my name.

——————, ————

Permanent Secretary MINISTER

Date : ——————.

Ministry of Defence and External Affairs,
Colombo.

Particulars

Full name :————.

Address :————.

Occupation :————.

Date and place of birth :————.

Height :————.

Colour of hair :————.

Distinguishing marks or features :————.

Other nationality possessed at time of registration :————.
(See Note)

Particulars of qualifications :————.

Name and nationality of father :————.

Name and nationality of mother :————.

Name and nationality of spouse :————.

Photographs of

(i) (ii)

(Holder of Certificate) (Spouse)

Specimen Signatures/Thumb Impressions

of

(1) Holder of ceritificate :————.

(2) Spouse :————.

Particulars of minor children—

Name :————. Sex :————. Date and place of birth : ————.

* *Note*

* *Note.*————who has been exempted by the Minister from the provisions of sub-section (2) of section 15, shall cease to be a citizen of Ceylon on the day immediately succeeding the date of the expiration of a period of three months from the date of his/her registration or on the day on which he/she attains the age of 22 years, whichever day in his/her case is the later, unless he/she renounces his/her foreign citizenship in accordance with the law therein in force in that behalf and notifies such renunciation to the prescribed officer.

This portion is to be completed by the officer who administers the oath or affirmation.

1. The oath/affirmation of citizenship was made before me on this ————day of——, 19——.

2. The oath/affirmation of allegiance was made before me on this ————day of ——, 19——.

————,

Signature and Designation of Officer
Administering Oath/Affirmation.

Particulars of Renunciation of Other Nationality

---

* Delete if inappropriate.

Form F

THE CITIZENSHIP ACT

OATH OF ALLEGIANCE

I, ————, do swear that I will be faithful and bear true allegiance to Her Majesty Elizabeth the Second, Queen of Ceylon, Her heirs and successors according to law. **(10,767/ 16-2-1955)**

(Signature) : ————.

Sworn and signed this ———— day of ————, 19——, before me.

————

Signature and designation of officer administering oath.*

*Such officer shall be the Permanent Secretary, or an Assistant Secretary, Ministry of Defence and External Affairs, a Government Agent, or an Assistant Government Agent.

Form G

THE CITIZENSHIP ACT

AFFIRMATION OF ALLEGIANCE

I, ————, do, solemnly, sincerely, and truly declare and affirm that I will be faithful and bear true allegiance to Her Majesty Elizabeth the Second, Queen of Ceylon, Her heirs and successors according to law. **(10,767/ 16-2-1955.)**

(Signature) :————.

Affirmed and signed this———— day of ————, 19——, before me.

————,

Signature and designation of officer administering affirmation.*

*Such officer shall be the Permanent Secretary, or an Assistant Secretary, Ministry of Defence and External Affairs, a Government Agent., or an Assistant Government Agent.

Form H

THE CITIZENSHIP ACT

OATH OF CITIZENSHIP

I, ————, do swear that I absolutely and entirely renounce and abjure all allegiance to any foreign state of which I have been a subject or citizen ; that I shall bear true faith and allegiance to the Constitution of Ceylon ; and that I shall faithfully observe the laws of Ceylon and fulfil my duties as a citizen of Ceylon.

(Signature) : ————.

Sworn and signed this ———— day of ————, 19——, before me.

————,

Signature and designation of officer administering oath. *

*Such officer shall be the Permanent Secretary, or an Assistant Secretary, Ministry of Defence and External Affairs, a Government Agent, or an Assistant Government Agent.

Form I

THE CITIZENSHIP ACT

AFFIRMATION OF CITIZENSHIP

I, ————, do solemnly, sincerely and truly declare and affirm that I absolutely and entirely renounce and abjure all allegiance to any foreign state of which I have been a subject or citizen; that I shall bear true faith and allegiance to the Constitution of Ceylon ; and that I shall faithfully observe the laws of Ceylon and fulfil my duties as a citizen of Ceylon.

(Signature) :————.

Affirmed and signed this ———— day of ————, 19——, before me.

————,

Signature and designation of officer administering affirmation.*

*Such officer shall be the Permanent Secretary, or an Assistant Secretary Ministry of Defence and External Affairs, a Government Agent, or an Assistant Gorvenment Agent.

Form J

THE CITIZENSHIP ACT

REGISTER OF CITIZENS BY REGISTRATION

Certificate No. and date	Application No. and date	Name	No. of children included in the certificate	Section under which certificate is granted	Date of issue	Initials of issuing officer	Date of oath or affirmation	Remarks (Renunciation, loss, &c.)

Form K

THE CITIZENSHIP ACT

DECLARATION OF RENUNCIATION OF CEYLON CITIZENSHIP

SECTION 19

In pursuance of the provisions of section 19 of the Citizenship Act, I, ————, the undersigned, to whom the following particulars relate, being a citizen of Ceylon by descent/registration, hereby declare that I renounce my Ceylon citizenship.

Date : ————.

————,
Signature of declarant.

Particulars of declarant

1. Full name (in block letters) :————.
2. Address :————.
3. Occupation :————.
4. Citizenship status :————.
5. If married, name and nationality of wife or husband :————
6. Names of children :————.
7. Date and place of birth :————.

Affidavit of declarant

I do swear / solemnly, sincerely and truly declare and affirm ———————————————— that the foregoing particulars stated in the declaration are true and that I have made the declaration, pursuant to section 19 of the Ceylon Citizenship Act that I renounce my Ceylon citizenship.

————,
Signature of declarant.

Sworn / Affirmed ———— at ———— this ————day of ————, 19—.

Before me :

————,
Justice of the Peace or
Commissioner of Oaths.

[10,767/ 16-2-1955·]

Note.—A stamp of the value of one rupee shall be affixed to the affidavit.

Form L

THE CITIZENSHIP ACT

DECLARATION OF RETENTION OF CEYLON CITIZENSHIP, SECTION 20 (3)

In pursuance of the provisions of section 20 (3) of the Citizenship Act I, ————, the undersigned, to whom the following particulars relate, for the purpose of asserting my Ceylon citizenship, hereby declare that I retain the status of a citizen of Ceylon by descent.

————,
Signature of declarant,

Date :————.

Particulars of declarant

1. Full name (in block letters) :————.
2. Address :————.
3. Occupation :————.
4. Place and date of birth :————.
   Certificate of registration of birth abroad No.————. and date of issue :————.
5. Particulars of certificate of citizenship granted to father : No.————. Date of issue :————.
6. If married, name and nationality of wife or husband :————.
7. Particulars of children :————.

Affidavit of declarant

I do swear / solemnly, sincerely and truly declare and affirm ——————————————————————that the foregoing particulars stated in the declaration are true and that I have made the declaration, pursuant to section 20 (3) of the Citizenship Act that I retain the status of a citizen of Ceylon by descent.

——————.
Signature of declarant.

Sworn / Affirmed ———— at this ———— day of ————, 19——.

Before me :

————,
Justice of the Peace or
Commissioner of Oaths.

Form M

Application No. ————

Certificate No. ————

CEYLON CITIZENSHIP ACT

APPLICATION FOR A CERTIFICATE OF CITIZENSHIP OF CEYLON BY REGISTRATION BY A PERSON WHO POSSESSES THE SPECIAL QUALIFICATIONS IN SECTION 12 **(10,832/ 31-8-1955.)**

I, the undersigned, to whom the following particulars relate, hereby apply to the Minister of Defence and External Affairs for the grant of a Certificate of Citizenship of Ceylon by Registration under section 12 of the above Act. I declare that I am, and intend to continue to be, ordinarily resident in Ceylon.

I also request that the following name (s) of my minor child(ren) be included in the Certificate of Registration which may be granted to me :—

1. ————.
2. ————.
3. ————.
4. ————.
5. ————.

————,
Signature of Applicant.

Date :————.

To be completed in BLOCK letters·

*A.—*Particulars Relating to Applicant*

1. Full name :————.
2. Address :————.
3. Occupation :————.
4. Date of birth :————.
5. Place of birth :————.
6. (*a*) Full name of father :————.
   (*b*) Date and place of his birth :————.
   (*c*) Nationality or citizenship status :————.
7. (*a*) Full name of mother :————.
   (*b*) Date and place of her birth :————.
   (*c*) Nationality or citizenship status :————.
8. Periods of applicant's residence in Ceylon —
   From ———— to ————.
   From ———— to ————.
   From ———— to ————.
   From ———— to ————.
   From ———— to ————.
9. Particulars regarding applicant's nationality —
   (*a*) Nationality acquired at birth :————.
   (*b*) Nationality subsequently acquired (by marriage, naturalization or otherwise) :————.
   (*c*) Present nationality :————.
10. Particulars of minor children —

Name (in full)	Sex	Date of birth	Place of birth
1.			
2.			
3.			
4.			
5.			

B.—Particulars Relating to Applicant's Spouse

11. Date and place of marriage :————.
12. (*a*) Full name of spouse :————.
    (*b*) Date and place of his (or her) birth :————.
    (*c*) His (or her) usual place of residence :————.
    (*d*) His (or her) occupation :————.

13. If the spouse is a citizen of Ceylon *by descent*, state —

(i) (*a*) Full name of spouse's father :————.
(*b*) Date and place of his birth :————.
(*c*) His usual place of residence :————.
(*d*) His occupation :————.

(ii) (*a*) Full name of spouse's *paternal* grandfather : ————
(*b*) Date (or approximate year) and place of his birth : ————.
(*c*) His usual place of residence :————.
(*d*) His occupation :————.

*(iii) (*a*) Full name of spouse's *paternal* Great-Grandfather ————.
(*b*) Date (or approximate year) and place of his birth : ————.
(*c*) His usual place of residence :————.
(*d*) His occupation :————.

***Particulars required herein need be furnished only by an applicant whose father-in law was born in a country outside Ceylon.**

14. If the spouse is a citizen of Ceylon *by registration* state —

(*a*) Number and Date of the Certificate of Registration :————
(*b*) Previous nationality :————.
(*c*) Whether the spouse has, at any time after registration, been absent from Ceylon for a period of five consecutive years or more ? (If so, state particulars and reasons for such absence abroad) :————.

15. If the spouse is no longer alive at the time of application state whether applicant has married again :————.

C.—Affidavit

(*To be made by the applicant in support of the Application*)

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

..... Signature of

Stamp of One Rupee

..... Applicant.

Sworn
———— at ———— this day of ————, 19—.
Affirmed

Before me :———— { A Justice of the Peace. / A Commissioner of Oaths.

D.—Declarations by Persons supporting Application

***Insert full name in BLOCK letters.**

I,*————, hereby state that I am a citizen of Ceylon by descent, and that I am intimately acquainted with and have a personal knowledge of the applicant's spouse and his or her family over a period of———— years. I can from my personal knowledge and belief vouch for the truth of the statements made by the applicant.

————,
Signature.

Full Postal Address :————.
Occupation :————.
Date :————.

***Insert full name in BLOCK letters.**

I,* ————, hereby state that I am a citizen of Ceylon by descent and that I am intimately acquainted with and have a personal knowledge of the applicant's spouse and his or her family over a period of———— years. I can from my personal knowledge and belief vouch for the truth of the statements made by the applicant.

————,
Signature.

Full Postal Address :————.
Occupation :————.
Date :————.

***Insert full name in BLOCK letters.**

I,* ————, hereby state that I am a citizen of Ceylon by descent, and that I am intimately acquainted with and have a personal knowledge of the applicant's spouse and his or her family over a period of———— years. I can from my personal knowledge and belief vouch for the truth of the statements made by the applicant.

————,
Signature.

Full Postal Address :————.
Occupation :————.
Date :————.

Note.—1. The statements in the application should be supported by an affidavit (Section C) made by the applicant before a Justice of the Peace or a Commissioner of Oaths.

2. There should be forwarded with the application any documentary evidence available to prove the facts set out therein, particularly those stated in Columns 11, 12 (*b*) and 13 (i) (b) and 13 (ii) (b) of Section B.

3. The application should be supported by three persons (Section D) each of whom must be —

(*a*) a citizen of Ceylon by descent ;

(*b*) intimately acquainted with and having a personal knowledge of the applicant's spouse and his or her family ; and

(*c*) able from his personal knowledge and belief to vouch for the truth of the statements made by the applicant.

4. The applicant may be required by the Minister to supply such further information and proof as the Minister may think necessary.

5. A fee of Rs. 2 is payable before the issue of a certificate under section 12.

6. Under section 15 (2) of the Citizenship Act, a person who is a citizen of any country other than Ceylon under any law in force in that country cannot be granted citizenship by registration unless he renounces citizenship of that country in accordance with that law.

7. A person who, for the purpose of procuring any thing under this Act, makes any statement which he knows to be false in a material particular is guilty of an offence which is punishable with imprisonment of either description for a term not exceeding three months.

8. The application should be sent to the Premanent Secretary, Ministry of Defence and External Affairs, Senate Buliding, Colombo 1, or to an Assistant Secretary of the Ministry of Defence and External Affairs.

Form N

No. ————. (10,832/
(File No. :————.) 31-8-1955·)

THE CITIZENSHIP ACT

CERTIFICATE UNDER SECTION 17

WHEREAS————has applied to the Minister of Defence and External Affairs for registration as a citizen of Ceylon under section 12 of the Citizenship Act alleging with respect to himself*/ herself the particulars set out overleaf.

AND WHEREAS the Minister has granted the application made by the said ————

*AND WHEREAS the said————being a citizen of a country other than Ceylon has under subsection (3) of section 15 of the said Act been exempted by the Minister from the provisions of subsection (2) of that section :

NOW THEREFORE, in pursuance of the powers conferred on him by section 17 of the said Act, the Minister of Defence and External Affairs grants to the said———— this certificate of registration, and declares that upon his*/her duly making the oath or affirmation of citizenship, and if so required by the Act, the oath or affirmation of allegiance, within the time and in the manner prescribed by regulations made in that behalf, he*/she shall be entitled to all political and other rights, powers and liabilities to which a citizen of Ceylon by registration is entitled or subject, and have, to all intents and purposes the status of a citizen of Ceylon by registration.

In witness whereof I have hereunto———— subscribed my name.

————,
Minister.

————,
Permanent Secretary.

Date :————.

Ministry of Defence and External Affairs,
Colombo 1.

Particulars

Full name :————.

Address :————.

Occupation:————.

Date and place of birth :————.

Height :————.

Colour of hair :————.

Distinguishing marks or features :————.

Other nationality possessed at time of registration :————.
(*See* Note)

Particulars of qualifications :————.

Name and nationality of father :————.

Name and nationality of mother :————.

Name and nationality of spouse :————.

*Delete if inappropriate.

Photographs of

(i) (Holder of Certificate)	(ii) (Spouse)

Specimen Signatures/Thumb Impressions of :

(1) Holder :————.

(2) Spouse :————.

Particulars of minor children —

Name	Sex	Date and Place of Birth

**Note*

————who has been exempted by the Minister from the provisions of subsection (2) of section 15 shall cease to be a citizen of Ceylon on the day immediately succeeding the date of the expiratiou of a period of three months from the date of his/her registration or on the day on which he/she attains the age of 22 years, whichever day in his/her case is the later, unless he/she renounces his/her foreign citizenship in accordance with the law therein in force in that behalf and notifies such renunciation to the prescribed officer.

*Delete if inappropriate

This portion is to be completed by the officer who administers the oath or affirmation.

(1) The oath/affirmation of citizenship was made before me on this day of ————, 19—.

(2) The oath/affirmation of allegiance was made before me on this day of ————, 19—.

————,

Signature and Designation of Officer Administering Oath/Affirmation.

Particulars of Renunciation of other Nationality

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