

PARLIAMENT OF CEYLON

4th Session 1950



Indian and Pakistani Residents (Citizenship) (Amendment) Act, No. 37 of 1950

Date of Assent : December 7, 1950

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*Indian and Pakistani Residents (Citizenship)
(Amendment) Act, No. 37 of 1950.*

L. D.—CF. 5/50.

AN ACT TO AMEND THE INDIAN AND PAKISTANI
RESIDENTS (CITIZENSHIP) ACT, NO. 3 OF 1949.

[Date of Assent: December 7, 1950.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Indian and Pakistani Residents (Citizenship) (Amendment) Act, No. 37 of 1950.

Short title.

2. Section 3 of the Indian and Pakistani Residents (Citizenship) Act, No. 3 of 1949, (hereinafter referred to as "the principal Act") is hereby amended as follows:—

Amendment of
section 3 of
Act, No. 3 of
1949.

(1) by the insertion, immediately after sub-section (2) of that section, of the following new sub-section:—

" (2A) For the purposes of this Act, the continuity of residence of an Indian or Pakistani resident shall be deemed to have been uninterrupted notwithstanding his absence from Ceylon for any period,—

(a) if he was, during that period, in the employment of the Government of Ceylon and resident in another country for the purposes of such employment; or

(b) if, having become while in Ceylon a member or an employee of any of His Majesty's forces, he was during that period on service in any other country as such member or employee." ; and

(2) in sub-section (3) of that section, by the substitution, for the words " this Act," of the words " this Act and without prejudice to the provisions of sub-section (2A),".

3. Section 6 of the principal Act is hereby amended in paragraph (iv) (a) of sub-section (2) thereof, by the substitution, for the words " territory from which

Amendment
of section 6
of the
principal Act

2 *Indian and Pakistani Residents (Citizenship)*
(Amendment) Act, No. 37 of 1950.

the applicant or the applicant's father or ancestor or husband, as the case may be, emigrated, and ", of the following:—

" territory of origin of the applicant or the applicant's parent, ancestor or husband, as the case may be, and ".

Amendment
of section 22
of the
principal Act.

4. Section 22 of the principal Act is hereby amended as follows:—

(1) in the definition of " Commissioner ", by the addition, at the end thereof, of the words " and includes a Deputy Commissioner "; and

(2) in the definition of " Indian or Pakistani resident ", by the substitution, for the words " and includes a descendant of any such person; ", of the following:—

" and includes—

(i) a descendant of any such person;
and

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

Retrospective
effect of
amendments.

5. (1) The amendments effected by the preceding sections of this Act shall be deemed to have come into force on the date appointed under section 1 of the principal Act.

(2) In any case where prior to the date of the commencement of this Act, the Commissioner had under section 9 of the principal Act made order refusing any application for registration, and the Commissioner is satisfied that the order of refusal would not have been made if the amendments made by this Act had actually been in force at the time of the making of the order, the Commissioner may, of his own motion or upon application made to him for the purpose, revoke the order of refusal and take the steps he is authorized by the principal Act to take whenever there is a *prima facie* case for allowing an application.