

THE UNION CITIZENSHIP (AMENDMENT) ACT, 1954.

[Act No. XXIII of 1954.]

It is hereby enacted as follows :—

1. (i) This Act may be called the Union Citizenship (Amendment) Act, 1954.

(ii) It shall be deemed to have come into force on the commencement of the Union Citizenship Act, 1948:

2. In section 2 of the Union Citizenship Act, 1948, hereinafter referred to as "the said Act", for the words "child lacking in qualification" the words "illegitimate child" shall be substituted in the definition of the expression "Parent."

3. In the proviso of clause (a) of section 5 of the said Act, for the words "if the father is an alien" the words "if the father is a citizen of a foreign country" shall be substituted.

4. In sub-section (4) of section 7 of the said Act, after the words "renouncing his status as a citizen of any foreign country" the words "and owing allegiance to the Union" shall be inserted.

5. For section 8 of the said Act the following section shall be substituted :—

"8. Any person acquiring a Burma Naturalization Certificate issued under section 5 of the Burma Naturalization Act and whose name is included therein shall be of good character and unless such person is under a disability, he may apply for a Burma Naturalization Certificate, if he declares before the first day of April 1955 or within a period of one year after attaining majority, that he would renounce his citizenship of a foreign country that he owes allegiance to the Union and that he elects the citizenship of the Union.

Provided that the provisions of this section shall not apply to any person who, before the promulgation of the Union Citizenship (Amendment) Act, 1954, acquires the certificate under the original section 8, but shall apply to the children of such person."

6. In section 9 of the said Act—

(a) In sub-section (1), after the words "a certificate of naturalization" the words "or a certificate of citizenship" shall be inserted; and

(b) In sub-section (3) after the words "certificate of naturalization" the words "or a certificate of citizenship" shall be inserted.

7. In section 11 of the said Act—

(a) In sub-section (2), after the words "not being under disability" the words "and not being so bad in character as to prejudice the public interest" shall be inserted.

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- (b) In sub-section (3) *after* the words "renouncing her status as a citizen of any foreign country" the words "and owing allegiance to the Union" *shall be inserted*.

8. In section 12 of the said Act—

- (a) *For* sub-section (3) the following provisions *shall be substituted* :—

"(3) If a child born in the Union and born of the parents both of whom are not citizens of the Union permanently residing in the Union within the jurisdiction thereof is of good character and is not under any disability, he may apply for a certificate of citizenship before the first day of April 1955 or within one year after attaining majority, provided that he is then permanently resident in the Union.

Explanation.—Although both the parents or either of them have acquired the certificate of citizenship or the certificate of naturalization at the time the application is to be made it shall be deemed that he may apply for the certificate of citizenship.

- (b) In sub-section (4) *after* the words "makes a declaration of alienage in respect of any other citizenship" the words "and of allegiance to the Union" *shall be inserted*.

9. *After* section 12 of the said Act, the following provisions *shall be inserted* as section 12A and section 12B.

"12A. (1) If one of the parents of the child born in the territories included within the Union before the commencement of the Constitution is a citizen of the Union under clause (ii) of section 11 of the Constitution, or if one of such parents is living at the commencement of the Constitution and is entitled to apply for the citizenship of the Union under clause (ii) or clause (iii) of section 11 of the Constitution and is not under any disability, he may apply for a certificate of citizenship before the first day of April 1955 or within one year after attaining majority, but shall be permanently resident in the Union.

(2) Unless and until the applicant declares on oath or affirmation, that he renounces the citizenship of any foreign country and that he owes allegiance to the Union, the certificate of citizenship granted under sub-section (1) shall not take effect.

12B. The certificate of naturalization or the certificate of citizenship granted before the promulgation of the Union Citizenship (Amendment) Act, 1954, shall not be deemed to be null and void for not bearing the declaration that he owes allegiance to the Union."

10. After section 14 of the said Act the following provisions shall be inserted as section 14A and section 14B :

" 14A. (1) Unless any person who is a citizen of the Union and who also acquires the citizenship of a foreign country by operation of any law thereof, submits a report to the Minister that he has renounced his foreign citizenship in accordance with the law of such foreign country—

- (a) before the first day of April 1955, or
- (b) within one year after attaining majority, or
- (c) within one year from the date of enactment of that law by such foreign government.

Whichever period is longest for him, he shall be deemed to cease to be a citizen of the Union at the end of such period:

Provided that if the Minister is of opinion that such person is, for sufficient reason, unable to submit the report in time to the Minister, the Minister may grant him reasonable extension of time.

(2) Unless any person recognized as a citizen of the Union under clause (i), (ii) or (iii) of section 11 of the Constitution or under section 4 (2) or 5 (b) of this Act, has registered as a foreigner in a Foreign Embassy or obtained a passport as a foreigner from a Foreign Government concerned, the provisions of sub-section (1) shall not apply to him.

(3) Any person referred to in sub-section (2) not being under any disability and having after the first day of April 1955, registered as a foreigner in a Foreign Embassy or obtained a passport as a foreigner from a Foreign Government concerned shall be deemed to cease to be a citizen of the Union forthwith.

14B. If any person who has ceased to be a citizen of the Union under section 14 or section 14A—

- (a) has the qualifications mentioned in clause (i), (ii) or (iii) of section 11 of the Constitution or section 5 (b) of this Act, and
- (b) undertakes that he will permanently reside again in the Union, renounce foreign citizenship in accordance with the law of the foreign country concerned and owe allegiance to the Union,

the Minister may in his discretion permit him to retain the citizenship of the Union, and his decision shall be final.

11. In section 19 of the said Act—

(a) in clause (b) for the words "imprisonment for a term not less than twelve months" the words "imprisonment for a term not less than twelve months or fine not less than one thousand Kyats," shall be substituted.

(b) After clause (d) the following provisions shall be inserted as clauses (e) and (f)—

" (e) has so bad a character as to prejudice the public interest, at the time he was granted the certificate of naturalization or the certificate of citizenship ; or

(f) would injure the safety, public order or interest of the Union, if the person who was granted the certificate of naturalization or the certificate of citizenship is allowed to retain such certificate."

(c) The existing clause (e) shall be renumbered as clause (g).

(d) After the renumbered clause (g), the following provisions shall be inserted as provisos to section 19 :—

" Provided that after three years from the date of grant of the certificate of naturalization or the certificate of citizenship, no action shall be taken for purposes of clause (e) :

Provided further that after five years from the date of grant of the certificate of naturalization or the certificate of citizenship, no action shall be taken for purposes of clause (f)."

12. For section 20 of the said Act the following section shall be substituted :—

" 20. (1) The Minister, before making an order to revoke the certificate of naturalization or the certificate of citizenship, may, if he thinks fit, refer such matter for enquiry as mentioned below ; and in any matter concerning section 18 or any of the clauses (a), (c), (f) and (g) of section 19, the Minister shall, by giving notice to the holder of such certificate or by sending notice to the last known address of the holder of the same give him an opportunity of claiming a reference for purposes of enquiry into such matter. If he so claims in accordance with the notice, the Minister shall make the reference for such enquiry.

(2) An enquiry under this section shall be held by the District Judge within whose jurisdiction he resides or he last resides in the Union. In Rangoon District, the enquiry shall be held by the Chief Judge of the City Civil Court of Rangoon. The procedure to be followed in such enquiry shall be the same as laid down in the Code of Civil Procedure for original civil suit.

(3) The party aggrieved by the decision of the District Judge or the Chief Judge of the City Civil Court of Rangoon, may appeal to the appellate side of the High Court within sixty days from the date on which such decision was made. The provisions of Order 41 of the Code of Civil Procedure shall also apply to such appeals, and the decision of the High Court shall be final.

(4) True copy of such decision shall be submitted by the respective Court to the Minister. "

Certified that the above English text is the authenticated translation of the Union Citizenship (Amendment) Act, 1954.

(Sd.) SEIN HLA,—3-5-54,

Secretary,
Laws Translation Committee.