

ACT No. XVI OF 1919.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL.]

(Received the assent of the Governor General on the 17th  
September, 1919.)

An Act further to amend the Indian Naturalization Act, 1852.

XXX of 1852. **W**HEREAS it is expedient further to amend the Indian Naturalization Act, 1852; It is hereby enacted as follows:—

1. This Act may be called the Indian Naturalization (Amendment) Act, 1919. Short title.

XXX of 1852. 2. (1) Section 6 of the Indian Naturalization Act, 1852 (hereinafter referred to as the said Act), is hereby repealed. Repeal of section 6 of Act XXX of 1852 and insertion of new sections 11A. and 11B.

(2) After section 11 of the said Act, the following sections shall be inserted, namely:—

“ 11 A. (1) Where the Government of any part of the said territories in which a person to whom a certificate of naturalization has been issued under this Act for the time being resides (hereinafter called ‘the Local Government’) are satisfied that the certificate has been obtained by false representation or fraud or by concealment of material circumstances, or that the person to whom the certificate has been issued has shown himself by act or speech to be disaffected or disloyal to His Majesty, the Local Government shall by order in writing revoke the certificate. Revocation of certificates of naturalization.

(2) Without prejudice to the foregoing provisions, the Local Government shall by order in writing revoke a certificate of naturalization in any case in which

which they are satisfied that the person to whom a certificate was issued—

- (a) has during any war in which His Majesty is engaged unlawfully traded or communicated with the enemy or with the subject of an enemy state or been engaged in or associated with any business which is to his knowledge carried on in such a manner as to assist the enemy in such war; or
- (b) has within five years of the date of the issue of the certificate been sentenced by any Court in His Majesty's dominions to transportation or penal servitude or to imprisonment for a term of not less than twelve months, or to pay a fine of not less than one thousand rupees; or
- (c) was not of good character at the date of the issue of the certificate; or
- (d) has since the date of the issue of the certificate been for a period of not less than seven years ordinarily resident out of His Majesty's dominions otherwise than as a representative of a British subject, firm or company carrying on business, or an institution established, in His Majesty's dominions or in the service of the Crown, and has not maintained substantial connection with His Majesty's dominions; or
- (e) remains according to the law of a state at war with His Majesty a subject of that state;

and that (in any case) the continuance of the certificate is not conducive to the public good.

(3) Notwithstanding anything contained in subsections (1) and (2), no Local Government shall revoke a certificate of naturalization issued by another Government without the concurrence of that Government.

(4) The

(4) The Local Government may, if they think fit, before making an order under this section refer the case for such inquiry as is hereinafter specified, and in any case to which sub-section (1) or clause (a), (c) or (e) of sub-section (2) applies, the Local Government shall, by notice given to, or sent by post to the last known address of, the holder of the certificate, give him an opportunity of claiming that the case be referred for such inquiry, and if the holder so claims in accordance with the notice, the Local Government shall refer the case for inquiry accordingly.

(5). (a) An inquiry under this section shall be held by such person or persons and in such manner as the Local Government may direct in each case.

(b) Persons appointed under clause (a) of this sub-section shall be deemed to be public servants within the meaning of the Indian Penal Code, and shall, for the purposes of such inquiry, have the same powers as are vested in a Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters :—

XLV of 1860.  
V of 1908.

(i) enforcing the attendance of any person and examining him on oath;

(ii) compelling the production of documents; and

(iii) issuing commissions for the examination of witnesses;

and any proceeding under this sub-section shall be deemed to be a 'judicial proceeding' within the meaning of sections 193 and 228 of the Indian Penal Code.

(6) Where a certificate of naturalization has been revoked under this section, the revocation shall have effect from such date as may be directed by the Local Government, and thereupon the certificate shall be given up and cancelled, and any person refusing or neglecting to give up his certificate shall be punishable with fine which may extend to one thousand rupees.

11B. (1) Where

Effect of  
revocation of  
certificate of  
naturaliza-  
tion.

11B. (1) Where a certificate of naturalization is revoked, the former holder thereof shall thenceforth be deemed to be an alien and a subject of the state to which he belonged at the time the certificate was issued.

(2) Where a certificate of naturalization is revoked, the Local Government may by order in writing direct that the wife and minor children (or any of them) of the person whose certificate is revoked shall thenceforth be deemed to be aliens; but where no such direction is made, the nationality of the wife and minor children of the person whose certificate is revoked shall not be affected by the revocation:

Provided that—

(a) it shall be lawful for the wife of any such person within six months after the date of the order of revocation to make a declaration of alienage, and she and any minor children of her husband and herself shall thenceforth be deemed to be aliens; and

(b) in the case of a wife who was at birth a natural-born subject of His Majesty, no such order as aforesaid shall be made unless the Local Government is satisfied that, if she had held a certificate of naturalization in her own right, the certificate could properly have been revoked under section 11A, and the provisions of that section as to referring cases for inquiry shall apply to the making of any such order as they apply to the revocation of a certificate."

Amendment  
of section 12,  
Act XXX of  
1852.

3. In section 12 of the said Act between the word "shall" and the words "be deemed" the following shall be inserted, namely:—

"save in so far as a different intention is expressed."

Substitution  
of "His  
Majesty" for  
"Her  
Majesty" in  
Act XXX of  
1852.

4. For the words "Her Majesty" wherever they occur in the said Act the words "His Majesty" shall be substituted.