

## THE MANIPURI NATURALISATION ACT, 1947

An Act to make provision for the Law relating to the naturalization in Manipur States of aliens or foreigners residents therein.

Preamble: - Whereas it is expedient to make provision for the law relating to the naturalization in Manipur State of aliens or foreigners resident therein; it is hereby enacted as follows:-

### 1. **Short title, extent and commencement:-**

- (1) This Act may be called the Manipuri Naturalization Act, 1947
- (2) It extends to the whole of Manipur State.
- (3) It shall come into force on such date as His Highness the Maharajah of Manipur State in Council may appoint by notification in the official Gazette of the State.

### 2. **Interpretation :-** In this Act, unless there is anything repugnant in the subject or content –

- (1) 'State' means "Manipur State".
- (2) 'Alien or foreigner' means a person who is not a State subject.
- (3) 'State Council' means 'Manipur State Council'.
- (4) 'His Highness' means 'His Highness the Maharajah of Manipur'.
- (5) 'State subject' means:-
  - (i) a person born within His Highness's territory and allegiance; or
  - (ii) a person to whom a certificate of naturalization has been granted; or
  - (iii) a person who has become a subject of His Highness by reason of any annexation of territory; or
  - (iv) any person born out of His Highness' a territory whose father was, at the time of that person's birth, a State subject, and who fulfils any of the following conditions -
    - (a) His father was born within His Highness's allegiance ; or
    - (b) His father was a person to whom a certificate of naturalization had been granted under this Act; or
    - (c) His father had become a State subject by reason of any annexation of territory ;  
or
    - (d) His father was, at the time of that person's birth, in the service of the State.

Provided that the child of a State subject, whether born before or after the passing of this Act, shall be deemed to have been born within His Highness's allegiance if born in a place where His Highness exercises jurisdiction over his subjects.

Provided also that such child shall cease to be a State subject unless within one year after he attains the age of majority, or within such a period as may be prescribed in special cases by regulations under this Act.

- (i) He asserts his Manipuri Nationality by a declaration of retention of Manipuri Nationality, registered in such manner as may be prescribed by regulations made under this Act, and
- (ii) If he is a subject of a foreign country under the law of which he can, at the time of asserting his Manipuri Nationality, divest himself of the nationality of that foreign country by making a declaration of alienage.

- (6) 'Certificate of naturalization' means a certificate of naturalization granted under this Act.
- (7) 'Minor' means any person who has not attained majority under the law of Manipur State.

3. The State Council may grant a **certificate of naturalization** to any person who makes an application in this respect and satisfies the following conditions :-

- (a) that he is not a minor ;
- (b) that he is not a State subject;
- (c) That he has, during the period of not less than five years immediately preceding the date of the application, either resided in the State or been in the service of the State;
- (d) that he is of good character;
- (e) that he has an adequate knowledge of Manipuri language ; and
- (f) that he intends, if the application is granted, to reside in the State, or to enter or continue in the service of the State.

Provided that nothing in clause (c) or (f) shall apply in the case of a woman who was a State subject previous to her marriage to a person not a State subject and whose husband has died or whose marriage has been dissolved

4. **Forms and contents of the application :-**

- (1) Every application for a certificate of naturalization shall be in writing and shall state the following particulars to the best of knowledge and belief of the applicant –
  - (a) his age;
  - (b) his place of birth ;
  - (c) his place of residence ;
  - (d) his profession, trade or occupation ;
  - (e) full particulars regarding his qualifications in respect of the matters referred to in clause (a) to (f) of sec. 3;

- (f) whether he has previously at any time applied for the grant of a certificate of naturalization under this Act ;
- (g) whether any such application has been rejected;
- (h) whether any such certificate has been granted to him; and
- (i) whether any such certificate granted to him has been revoked.

(2.) Every application for the grant of a certificate shall be signed by the applicant and shall be accompanied by an affidavit sworn by him verifying that the statements contained therein are true to the best of his knowledge and belief.

(3) The State Council shall satisfy itself as to the truth of the statements contained in the application, and for this purpose may cause such further inquiry to be made and may require such further evidence as it thinks necessary.

**5. Grant of certificate:-**

(1) If the State Council is satisfied that the applicant is qualified and fit under sec. 3 of this Act for the grant of a certificate of naturalization, it may grant him a certificate stating his qualification for such grant and conferring upon him all the rights, privileges and capacities of naturalization under this Act, except such rights, privileges or capacities, if any, as may specifically be withheld by the certificate.

(2) The naturalization certificate may, if the applicant so elect, include the name of any minor child of the applicant, not being by birth a State subject, who was born previous to the grant of certificate and lives for the time being in the State under the control of the applicant. Such child so included shall have all the rights, privileges and capacities of naturalization under this Act, except such rights, privileges or capacities, if any, as may be withheld by the certificate.

(3) The grant of the naturalization certificate shall be at the discretion of the State Council, and no appeal shall lie from any refusal to grant such certificate or to include in such grant any particular right, privilege or capacity.

**6. Oath of allegiance:-**

Every person to whom naturalization certificate has been granted shall, within 30 days from the date of the grant thereof, take and subscribe the following oath, viz –

“I (name) of (place of residence) do hereby swear (or affirm) that I will be faithful and bear true all, allegiance to His Highness the Maharajah of Manipur State, his heir and successor”.

Provided that the State Council may extend the time allowed under this section in any case in which it is satisfied that failure, to take and subscribe the said oath within the specified time was due to reasonable and sufficient cause.

**7. Effect of taking oath and grant of certificate:**

(1) No certificate of naturalization shall have effect until the person to whom it is granted has taken and subscribed the oath prescribed under section 6, but on taking and subscribing such oath, such person, his wife and his child, who has been included in the certificate under sub-sec. (2) of sec. 5, shall, when in the State, be deemed to be State subjects and be entitled to all rights, privileges and capacities of a State subject born within the State, except such rights, privileges or capacities, if any, as may have been withheld from respectively by the certificate, and shall within the State be subject to all the obligations, duties and liabilities of a State subject.

(2) When the person to whom a naturalization certificate has been granted has taken and subscribed the oath prescribed by section 6, any wife thereafter married by, and any child thereafter born to such person shall, if she or he is not a State subject, be entitled to such rights, privileges or capacities as such person aforesaid retains at the time of the wife's marriage or that son's birth, and be subject to the same obligations, duties and liabilities to which such person aforesaid was at that time entitled to and subject.

**8. Revocation of certificate:-**

(1) When in respect of a person to whom a certificate of naturalization has been granted under this Act, the State Council is satisfied that the certificate was obtained by false representation or fraud or by concealment of material circumstances, or that the person to whom the certificate was granted has shown himself disaffected or disloyal to **His Highness**, the State Council shall by order in writing, revoke the certificate.

(2) Without prejudice to the foregoing provision the State Council shall, by order in writing, revoke the certificate in any case in which it is satisfied that the person to whom the certificate was granted –

(i) has during any war in which His Highness is engaged, unlawfully traded or communicated with the enemy or with a 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

(ii) has, within five years from the date of the grant of the certificate, been sentenced by any court in the State to transportation, or to imprisonment for a term not less than five hundred rupees; or

(iii) was not of good character at the date of the grant of the certificate; or

(iv) has since the date of the grant of the certificate been for a period not less than seven years ordinarily outside His Highness's territory not as an agent of a State subject, firm or company carrying on business, or of an institution established, in His Highness's territory, or in the service of His

Highness in relation to any outside affairs, and has not maintained substantial relation with His Highness's territory; or

(v) remains, according to the law of a State at war with His Highness, a subject of that State; and that the continuance of the certificate is not conducive to the public good.

(3) The State Council may, if it 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 Cl. (1), Cl. (iii) or Cl. (v) of sub-section (2) applies, the State Council shall, either by notification personally issued to, or sent by post to the last known address of, the holder of the certificate, give him an opportunity for claiming that the matter be referred for such inquiry, and, if the holder or claims according to the notification, the State Council shall refer the matter for inquiry accordingly.

(4) An inquiry under this section shall be held by such person or persons and in such manner as the State Council may direct in each case.

(5) Where a certificate is revoked under this section, the revocation shall take effect from such date as may be directed by the State Council, and then the certificate shall be given up and cancelled; and any person who without showing one month from the aforesaid date, shall be punishable with fine, which may extend to one thousand rupees.

(6) For the purposes of this section, any person who has acquired any of the rights, privileges or capacities of naturalization under sub-section (2) of section 5 or sub-section (2) of section 7 by reason of the grant to his parent of a certificate of naturalisation, may, after he has attained majority, be deemed to be a person to whom a certificate of naturalization has been granted.

9. Effect of revocation of certificate:-

(1) Where a certificate is revoked under section 8, the holder thereof shall cease to be a State subject.

(2) On such revocation, the State Council may, by order in writing, direct that the wife and minor children of the person whose certificate is revoked shall cease to be State subject; but where no such direction is made, the status of the wife and minor children of such person shall not be affected by the revocation.

Provided that, in the case of a wife who was by birth a State subject, no such direction shall be Made, unless the State Council is satisfied that, if she had held a certificate of naturalization in her own Right, the certificate could properly have been revoked under section 8, and the provisions of that Section as to referring cases for inquiry shall apply to the making of any such direction as they apply to the revocation of a certificate.

#### **10. Declaration of alienage:-**

(1) A declaration of alienage may, in accordance with the rules made under this Act, be made. This Act, be made.

(i) Within one year of his attaining majority, by any child who has acquired any of the rights, privileges or capacities of naturalization under sub-section (2) of section 5, or under sub-section (2) of section 7; or

(ii) Within six months from the date of the revocation of a certificate under section 8, or of the death of, or of the dissolution of her marriage with, the holder of the certificate, by the wife of the person whose certificate has been revoked, or who has died, or whose marriage to her has been dissolved, as he case may be.

(2) Where a declaration of alienage has been made in the manner aforesaid the person making the same, and the wife of any such person, and the minor children of any such person who are not by birth State subjects, shall cease to be State subjects.

#### **11. Inquiries:-**

(1) Every person empowered by the State Council to make an inquiry under sub-section (8) of Section 4; and every person authorized to hold an inquiry under sub-section (4) of section, shall be deemed to be a public servant with 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 by the Code of Civil Procedure, 1908, when trying a suit, with respect to the following matters.

- (a) enforcing the attendance of any person and examining him on oath
- (b) compelling the production of documents and other material particulars; and
- (c) issuing commissions for the examination of witnesses.

(2) Every such inquiry held shall be deemed to be a judicial proceeding within the meaning of sections 193 and 223 of the Indian Penal Code.

#### **12. Oaths and affidavits:-**

(1) The oaths and affidavits for the purpose of this Act shall be sworn before the Chief Judge, Chief Court, Manipur State, or such other person as may be appointed from time to time in this behalf by the State Council.

(2) The Chief Judge or other person by whom an oath of allegiance is administered under section 6 shall grant to the person a certificate in writing of his having taken and subscribed such

oath and of the date of his taking and subscribing the same, and shall forward to the State Council the oath so taken and subscribed, together with a copy of the certificate.

**13. Power of the State Council to make rules;**

(1) The State Council may by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

(2) The State Council may, without prejudice to the general applicability of the powers laid down in this Act, make such rules as it deems expedient, for all or any of the following matters :-

- (a) The form or forms in which certificates of naturalization shall be granted, and the manner in which they shall be recorded;
- (b) The manner in which declaration of alienage shall be made and recorded;
- (c) The recording of oaths of allegiance; and
- (d) The fees which may be imposed for the issue of any certificate under this Act.

**14. Limitation to the grant of naturalization:-**

Nothing contained in this Act shall be deemed to entitle to any of the rights, privileges or capacities of a State subject the child of any person who is himself so entitled by reason only of the inclusion of his name in certificate of naturalization under sub-section (2) of section 5, or of the grant of a certificate of naturalization to his parent.