
READING ROOM · SHAPE A · POLICY-ANALYTICAL BRIEF

The Citizenship Acts 1948–1964

Statutory disenfranchisement of Hill-Country Tamils; 55-year road to citizenship.

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Reading Room

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Executive summary

A million people made stateless by statute — within months of independence, with the British signature still wet on the transfer of power.

This dossier sits beside Dossier 01 (Hidden Structural History). Where the first dossier shows the constitutional ladder collapsing for the Jaffna and Eastern Tamils, this dossier shows the same machinery used a different way against a different Tamil community: the Hill-Country Tamils — also called Up-Country, Indian-origin, Plantation, or Malaiyaha () Tamils.

01 · Summary points

Three statutes form the architecture of disenfranchisement:

1. Ceylon Citizenship Act No. 18 of 1948 — restricted citizenship to those who could prove paternal descent from a person born in Ceylon. The proof bar (documentary, generational) was set deliberately high. [tlte-cite:ceylon-citizenship-act-1948]
2. Indian and Pakistani Residents (Citizenship) Act No. 3 of 1949 — created a residency-based application route, also with an evidentiary bar most plantation workers could not meet. [tlte-cite:indian-pakistani-residents-act-1949]
3. Ceylon (Parliamentary Elections) Amendment Act No. 48 of 1949 — removed the franchise from anyone not registered as a citizen under the 1948 Act.

The combined effect was instant. A community of roughly one million people — brought from South India by British planters across the 19th century, who had built the Ceylon tea industry — lost the vote, lost legal

02 · Introduction · scope · methodology

Dossier 01 argues that the hidden thing is not one secret — it is the pattern. The Citizenship Acts are the pattern's first post-independence move:

- Before independence, the Soulbury Constitution gave nominal protection through Section 29. [tlte-cite:soulbury-report]
- Within eight months of independence, Parliament used its sovereign majority to legislate an entire ethnic community out of citizenship.
- Section 29 was not invoked to strike the law down. The Privy Council never tested it on this question. (Its later death by 1972 Constituent Assembly is documented in Dossier 01.)

The Citizenship Acts therefore prove the Dossier 01 thesis empirically: the colonial constitutional safeguards were too weak to survive a single parliamentary session of majoritarian will.

03 · Section I · structural record

| Community | Disenfranchisement instrument | Era | |---|---|---| | Hill-Country Tamils | Citizenship Acts 1948–49 | Within months of independence | | Northern & Eastern Tamils | Sinhala Only Act 1956, standardisation 1971 | Within a decade | | Northern Muslims | LTTE expulsion order 1990 | Internal failure (see Dossier 01 §16b) |

The pattern is not unique to Sinhala-Buddhist majoritarianism. It is what any unitary post-colonial state will do when constitutional brakes are weaker than parliamentary will. That structural reading is what this research series builds toward.

04 · Section II · current operational picture

The 1964 Sirima–Shastri Pact between Ceylon and India agreed that India would take 525,000 Hill-Country Tamils as repatriates and Ceylon would grant citizenship to 300,000. [tite-cite:sirima-shastri-pact-1964]

The pact treated a community of long-resident workers as a population transfer problem rather than a rights restoration problem. Repatriation continued in waves through the 1970s and 80s — many to a "homeland" their families had not lived in for three or four generations.

Statelessness for the remaining residents persisted until the Grant of Citizenship to Persons of Indian Origin Act No. 35 of 2003 finally restored full citizenship — fifty-five years late. [tite-cite:grants-of-citizenship-2003] [tite-cite:unhcr-statelessness-lka]

05 · Section III · comparative frame

Dossier 01 mentions the Hill-Country Tamils in §11b but cannot do them justice in passing. The community is not a footnote to the Jaffna constitutional struggle. It is a parallel and equally structural story — and it deserves its own anchored, cited dossier.

06 · Conclusions · policy implications

Same evidence model as Dossier 01:

- Tier A: statutes (commonLII), UNHCR, Anthem Press monograph (Kanapathipillai 2009). - Tier B: secondary historical synthesis. - Tier C: open archival questions — internal D.S. Senanayake government memos on the Citizenship Act drafting; British High Commission cables 1948–49; planter-lobby correspondence.

07 · Recommendations

This section is set out in the live source. The institutional shape is preserved here so a reader scanning for the canonical block knows where it sits; the evidence chain is on the archive page cited on the cover.

08 · Footnotes

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