

1957 Present : H. N. G. Fernando, J., and T. S. Fernando, J.

M. B. CHANDIRAM *et al.*, Appellants, and THE  
COMMISSIONER FOR REGISTRATION OF INDIAN  
AND PAKISTANI RESIDENTS, Respondent

*Citizenship Cases 44, 45 and 46 of 1956*

*Indian and Pakistani Residents (Citizenship) Act, No. 3 of 1949—Section 6 (2) (i)—  
“ Lawful means of livelihood ”.*

An adult unmarried daughter who is maintained by her father who is able to support himself and his dependants has a “lawful means of livelihood” within the meaning of section 6 (2) (i) of the Indian and Pakistani Residents (Citizenship) Act.

**A**PPLEALS under section 15 of the Indian and Pakistani Residents (Citizenship) Act.

*R. R. Crosssette-Thambiah, Q.C.*, with *V. K. Palasuntheram*, for the applicants appellants.

*C. Ranganathan*, for the respondent in Nos. 44 and 45.

*Walter Jayawardena*, for the respondent in No. 46.

*Cur. adv. vult.*

July 25, 1957. H. N. G. FERNANDO, J.—

The three applicants in these cases are the adult daughters of one Chandiram who is proprietor of a dye-works and silk shop in the town of Kandy. The father himself applied for the registration as citizens of himself, his wife and a number of minor children, but the three daughters had to make separate applications as they had attained their majority at the relevant time.

The Deputy Commissioner chose to deal with these three applications before the father's application had been determined and, in the result, the position at the time these appeals were argued was that the whole family, except these three applicants, had been registered as citizens upon the father's application. Had the latter application been first determined some at least of the matters which prejudiced the case for the three daughters may not have arisen.

All three applications have been refused on the ground that the applicants have failed to satisfy the requirement of the Act that an applicant should either possess an assured income of a reasonable amount or else have a suitable business or employment or other lawful means of livelihood. It is clear that none of the applicants have either an assured income or any business or employment, so that the only arguable ground of appeal is that the Deputy Commissioner erred in deciding that the applicants did not have a "lawful means of livelihood".

According to the evidence the father has been resident in Ceylon for about twenty years and appears himself to be a person who through his business is well able to support himself and his dependants. He himself intends to support these adult daughters unless and until they marry and cease to require his help. The daughters live with him and are maintained by him in the same way as his minor children are and there is no reason to suppose that the father will ever be unable or unwilling to support them. The business which he carries on is registered in his name and even if the suggestion that it belongs to a joint Hindu family be correct, it is conceded that the daughters have a right to rely for their maintenance on the profits from the business. As to two of the daughters there is a clear compliance with the section since they do in fact assist in their father's business, so that the expenses of maintaining them can properly be regarded as remuneration in kind for work performed by them. But I do not think that the term "lawful means of livelihood" would include only income or earnings in exchange for services. Having regard to the object of the requirement, namely the avoidance of the possibility that registered citizens may become a charge on the public revenue, regard must in my opinion be had to the fact that among people of the class concerned it is customary for adult daughters to be maintained by their parents. This custom is in accordance with our law that an adult daughter who has no other means of support is dependent on her parents who have a corresponding duty to maintain her\*. Indeed the favourable determination of the father's own application for citizenship has really concluded the matter which I am now considering, for one of the matters which the father must be presumed to have proved was that he had a suitable business to support himself and his dependants including these three daughters.

In the case of two of the appellants the Deputy Commissioner has also held that they failed to prove uninterrupted residence in Ceylon during the periods specified in his orders. These were periods in which the two appellants concerned were minors, and the Deputy Commissioner declined to accept the oral evidence as to their residence. Here again,

\* *Lee—Introduction to Roman-Dutch Law (5th Edn.) p. 49.*

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however, the disbelief of the oral evidence has turned out to be unjustified because the father's application could not have been allowed unless all the children had been "uninterruptedly resident during their minority".

For these reasons the appeals must be allowed with costs fixed at Rs. 52.50 in each case, and the Commissioner will take necessary steps on the footing that a *prima facie* case has been made out for the registration of each of the appellants as citizens.

T. S. FERNANDO, J.—I agree.

*Appeals allowed.*

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