

## Citizenship

### Indian Citizenship:

- Citizenship status in India allows citizens of the Indian State to enjoy all civil and political rights.
- The Constitution of India allows for only single citizenship, that is, Indian citizenship.
- There is no provision for separate state citizenship.
- The other federal states like USA and Switzerland adopted the system of double citizenship.
- In the USA, each person is not only a citizen of the USA but also of the particular state to which he belongs.
- The system of single citizenship provided uniform rights (except in a few cases) for the people of India to promote the feeling of fraternity and unity among them and to build an integrated Indian nation.
- **Indian Constitution deals with citizenship from Articles 5 to 11 under Part II**
- The original constitution only identifies the persons who became citizens of India at its commencement (i.e., on January 26, 1950).
- It does not deal with the problem of acquisition or loss of citizenship after its commencement.
- It empowers the Parliament to enact a law to provide for such matters and any other matter relating to citizenship.
- Parliament has enacted the Citizenship Act (1955), which has been amended from time to time.
- According to the Constitution, the following four categories of persons became the citizens of India at its commencement i.e., on January 26, 1950.
  - Persons domiciled in India.
  - Persons migrated from Pakistan.
  - Persons migrated to Pakistan but later returned.
  - Persons of Indian origin residing outside India.

- The Citizenship Act (1955) provides for the acquisition and loss of citizenship after the commencement of the Constitution.

### Acquisition of Citizenship:

- The Citizenship Act of 1955 prescribes five ways of acquiring citizenship, via, birth, descent, registration, naturalization and incorporation of territory.
- **By Birth** – A person born in India on or after January 26, 1950, but before July 1, 1987, is a citizen of India by birth irrespective of the nationality of his parents.
- A person born in India on or after July 1, 1987, is considered a citizen of India only if either of his parents is a citizen of India at the time of his birth.
- Further, those born in India on or after December 3, 2004, are considered citizens of India only if both of their parents are citizens of India.
- The children of foreign diplomats posted in India and enemy aliens cannot acquire Indian citizenship by birth.
- **By Descent** – A person born outside India on or after January 26, 1950, but before December 10, 1992, is a citizen of India by descent, if his father was a citizen of India at the time of his birth.
- A person born outside India on or after December 10, 1992, is considered a citizen of India if either of his parents is a citizen of India at the time of his birth.
- December 3, 2004, onwards, a person born outside India shall not be a citizen of India by descent, unless his birth is registered at an Indian consulate within one year of the date of birth.
- **By Registration** – Central Government may, on an application, register as a citizen of India any person if he belongs to any of the following categories, namely:-
  - A person of Indian origin who is ordinarily resident in India for seven years before making an application for registration.
  - A person who is married to a citizen of India and is ordinarily resident in India for seven years before making an application for registration.

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- Minor children of persons who are citizens of India.
- **By Naturalization** – Central Government may, on an application, grant a certificate of naturalization to any person
- If he possesses the required qualifications, including adequate knowledge of a language specified in the Eighth Schedule to the Constitution.
- The government of India may waive all or any of the above conditions for naturalization in the case of a person who has rendered distinguished service to science, philosophy, art, literature, world peace or human progress.
- **By Incorporation of Territory** – If any foreign territory becomes a part of India, the Government of India specifies the persons who among the people of the territory shall be the citizens of India.
- Such persons become citizens of India from the notified date.
- For example, when Pondicherry became a part of India, the Government of India issued the Citizenship (Pondicherry) Order (1962), under the Citizenship Act (1955).
- Every Registered and naturalized citizen must take an oath of loyalty to the Constitution of India.

**Loss of Citizenship:**

- The Citizenship Act (1955) prescribes three ways of losing citizenship whether acquired under the Act or before it under the Constitution, via, renunciation, termination and deprivation:
- **By Renunciation** – Any citizen of India of full age and capacity can make a declaration renouncing his Indian citizenship.
- When a person renounces his Indian citizenship, every minor child of that person also loses Indian citizenship.
- However, when such a child attains the age of eighteen, he may resume Indian citizenship.
- **By Termination** – When an Indian citizen voluntarily acquires citizenship of another country, his Indian citizenship automatically terminates.
- This provision, however, does not apply during a war in which India is engaged.

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- **By Deprivation** – It is a compulsory termination of Indian citizenship by the Central Government:
- If the citizen has obtained citizenship by fraud.
- The citizen has shown disloyalty to the Constitution of India.
- The citizen has unlawfully traded or communicated with the enemy during a war.
- The citizen has, within five years after registration or naturalization, been imprisoned in any country for two years.
- The citizen has been ordinarily resident out of India for seven years continuously.

**Articles Related to Citizenship:**

- **Article 5** – Citizenship at the commencement of the Constitution.
- **Article 6** – Rights of citizenship of certain persons who have migrated to India from Pakistan.
- **Article 7** – Rights of citizenship of certain migrants to Pakistan.
- **Article 8** – Rights of citizenship of certain persons of Indian origin residing outside India.
- **Article 9** – Persons voluntarily acquiring citizenship of a foreign State are not to be citizens.
- **Article 10** – Continuance of the rights of citizenship.
- **Article 11** – Parliament to regulate the right of citizenship by law.
- **2019 Citizenship (Amendment) Act:** Members of six communities - Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians from Pakistan, Bangladesh, and **Afghanistan** — would be allowed to stay in India if they arrived before December 14, 2014.
- It also reduces the time required for citizenship from 11 to 6 years.
- These migrants were also exempted from the Passport Act and the Foreigners Act, according to two notifications.
- A large number of organizations in Assam have protested this Bill, which may grant citizenship to illegal Bangladeshi Hindu migrants.

- The Act justification is that Hindus and Buddhists are minorities in Bangladesh and fled to India to avoid religious persecution, but Muslims are the majority in Bangladesh and cannot be said to be in the same category.

#### **National Register of Citizenship (NRC):**

- The National Register of Citizens, 1951 is a register prepared after the Census of 1951 in respect of each village, showing the houses or holdings in serial order and indicating the number and names of persons staying in each house or holding.
- In 1951, the NRC was only published once.
- Legacy Data refers to the 1951 NRC and the 1971 Electoral Roll (up to midnight on March 24, 1971).
- Indian citizenship is granted to those whose names appear on these documents and their descendants.

#### **PIO Card (Persons of Indian Origin):**

- If a person meets the following criteria, he or she is qualified for the PIO card:
- Is of Indian descent and a citizen of any nation other than Pakistan, Sri Lanka, Nepal, Bangladesh, Bhutan, China, or Afghanistan, or has previously held an Indian passport, or is the spouse of an Indian citizen or a person of Indian heritage.
- PIO cardholders can enter India many times for a period of fifteen years.
- They do not need to obtain a second visa.

#### **Overseas Citizen of India (OCI) Card:**

- The OCI Card is for overseas people who were eligible for Indian citizenship on or after January 26, 1950, or who were already citizens of India.
- The OCI Card is not available to citizens of Pakistan or Bangladesh.
- The holder of an OCI card does not have voting privileges.
- OCI isn't the same as dual citizenship.
- OCI cardholders are not citizens of India.
- The OCI Card is a multipurpose, multiple entry visa that allows you to enter India for the rest of your life.

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- In terms of financial, educational, and economic considerations, people having OCI Cards enjoy the same privileges as NRIs. However, they are unable to obtain agricultural land in India.
- The Citizenship Act, 1955 has been amended five times since its enactment.
- The amendments were made in the years 1986, 1992, 2003, 2005, and 2019.

