

Citizenship in India

Citizenship is the status of a person recognized under law as being a legal member of a sovereign state or belonging to a nation. In India, Articles 5 – 11 of the Constitution deals with the concept of citizenship. The term citizenship entails the enjoyment of full membership of any State in which a citizen has civil and political rights.

This is a very important concept to be understood and read for the IAS exam polity and governance segments. With the recent Citizenship Amendment Bill in the news, the topic of citizenship assumes all the more importance.

First, we discuss all the articles in the Indian Constitution pertaining to citizenship.

Article 5: Citizenship at the commencement of the Constitution

This article talks about citizenship for people at the commencement of the Constitution, i.e. 26th January 1950. Under this, citizenship is conferred upon those **persons who have their domicile in Indian territory and** –

1. Who was born in Indian territory; or
2. Whose either parent was born in Indian territory; or
3. Who has ordinarily been a resident of India for not less than 5 years immediately preceding the commencement of the Constitution.

Article 6: Citizenship of certain persons who have migrated from Pakistan

Any person who has migrated from Pakistan shall be a citizen of India at the time of the commencement of the Constitution if –

1.
 1. He or either of his parents or any of his grandparents was born in India as given in the Government of India Act of 1935; and
 2. (a) in case such a person has migrated before July 19th, 1948 and has been ordinarily resident in India since his migration, or

(b) in case such as a person has migrated after July 19th, 1948 and he has been registered as a citizen of India by an officer appointed in that behalf by the government of the Dominion of India on an application made by him thereof to such an officer before the commencement of the Constitution, provided that no person shall be so registered unless he has been resident in India for at least 6 months immediately preceding the date of his application.

Article 7: Citizenship of certain migrants to Pakistan

This article deals with the rights of people who had migrated to Pakistan after March 1, 1947, but subsequently returned to India.

Article 8: Citizenship of certain persons of Indian origin residing outside India

This article deals with the rights of people of Indian origin residing outside India for purposes of employment, marriage, and education.

Article 9

People voluntarily acquiring citizenship of a foreign country will not be citizens of India.

Article 10

Any person who is considered a citizen of India under any of the provisions of this Part shall continue to be citizens and will also be subject to any law made by the Parliament.

Article 11: Parliament to regulate the right of citizenship by law

The Parliament has the right to make any provision concerning the acquisition and termination of citizenship and any other matter relating to citizenship.

Citizenship of India constitutional provisions

- Citizenship in India is governed by Articles 5 – 11 (Part II) of the Constitution.
- The Citizenship Act, 1955 is the legislation dealing with citizenship. This has been amended by the Citizenship (Amendment) Act 1986, the Citizenship (Amendment) Act 1992, the Citizenship (Amendment) Act 2003, and the Citizenship (Amendment) Act, 2005.
- Nationality in India mostly follows the jus sanguinis (citizenship by right of blood) and not jus soli (citizenship by right of birth within the territory).

Citizenship Act, 1955

Citizenship of India can be acquired in the following ways:

1. Citizenship at the commencement of the Constitution
 2. Citizenship by birth
 3. Citizenship by descent
 4. Citizenship by registration
 5. Citizenship by naturalization
 6. By incorporation of territory (by the Government of India)
- People who were domiciled in India as on 26th November 1949 automatically became citizens of India by virtue of citizenship at the commencement of the Constitution.
 - Persons who were born in India on or after 26th January 1950 but before 1st July 1987 are Indian citizens.
 - A person born after 1st July 1987 is an Indian citizen if either of the parents was a citizen of India at the time of birth.

- Persons born after 3rd December 2004 are Indian citizens if both parents are Indian citizens or if one parent is an Indian citizen and the other is not an illegal migrant at the time of birth.
- Citizenship by birth is not applicable for children of foreign diplomatic personnel and those of enemy aliens.

Termination of Indian Citizenship

Termination of citizenship is possible in three ways according to the Act:

1. **Renunciation:** If any citizen of India who is also a national of another country renounces his Indian citizenship through a declaration in the prescribed manner, he ceases to be an Indian citizen. When a male person ceases to be a citizen of India, every minor child of his also ceases to be a citizen of India. However, such a child may within one year after attaining full age become an Indian citizen by making a declaration of his intention to resume Indian citizenship.
2. **Termination:** Indian citizenship can be terminated if a citizen knowingly or voluntarily adopts the citizenship of any foreign country.
3. **Deprivation:** The government of India can deprive a person of his citizenship in some cases. But this is not applicable for all citizens. It is applicable only in the case of citizens who have acquired the citizenship by registration, naturalization, or only by Article 5 Clause (c) (which is citizenship at commencement for a domicile in India and who has ordinarily been a resident of India for not less than 5 years immediately preceding the commencement of the Constitution).

Persons of Indian Origin (PIO) Card

A person would be eligible for the PIO card if he:

1. Is a person of Indian origin and is a citizen of any country except Pakistan, Sri Lanka, Nepal, Bangladesh, Bhutan, China or Afghanistan, or
2. Has held an Indian passport at any other time or is the spouse of a citizen of India or a person of Indian origin.

PIO cardholders can enter India with the multiple entry feature for fifteen years. They do not need a separate visa.

Overseas Citizen of India (OCI) Card

- OCI Card is for foreign nationals who were eligible for Indian citizenship on 26th January 1950 or was an Indian citizen on or after that date.
- Citizens of Pakistan and Bangladesh are not eligible for OCI Card. An OCI cardholder does not have voting rights.
- OCI is not dual citizenship. OCI cardholders are not Indian citizens.
- The OCI Card is a multipurpose, multiple entry lifelong visa for visiting India.
- Persons with OCI Cards have equal rights as NRIs in terms of financial, educational, and economic matters. But they cannot acquire agricultural land in India.

Frequently Asked Questions related to Indian Citizenship

How can I get Indian citizenship?

Indian citizenship can be acquired by birth, descent, registration and naturalization. The conditions and procedure for acquisition of Indian citizenship is as per the provision of the Citizenship Act, 1955. Citizenship of India by naturalization can be acquired by a foreigner (not illegal migrant) who is ordinarily resident in India for 12 years (throughout the period of twelve months immediately preceding the date of application and for 11 years in the aggregate in the 14 years preceding the twelve months) and other qualifications as specified in Third Schedule to the Act.

What are the types of citizenship in India?

According to the Ministry of Home Affairs, there are four ways in which Indian citizenship can be acquired: birth, descent, registration and naturalisation. The provisions are listed under sections 3, 4, 5(1) and 5(4) of the Citizenship Act, 1955.

Does India allow dual citizenship?

The Constitution of India does not allow holding Indian citizenship and citizenship of a foreign country simultaneously. Based on the recommendation of the High-Level committee on Indian Diaspora, the Government of India decided to grant Overseas Citizenship of India (OCI).

Is NRC bill passed in India?

The National Register of Citizens (NRC) is a register of all Indian citizens whose creation is mandated by the 2003 amendment of the Citizenship Act, 1955. Its purpose is to document all the legal citizens of India so that the illegal immigrants can be identified and deported.