

## Citizenship in India

Legal provisions relating to acquisition and termination of citizenship of India are contained in the Citizenship Act, 1955.

Citizenship of India can be acquired by:

- Birth
- Descent
- Registration
- Naturalization
- Incorporation of territory
- Termination
- Renunciation
- Acquisition of another country
- Deprivation

### Citizenship by Birth

Every person born in India on or after the 26<sup>th</sup> January, 1950, is a citizen of India by birth except if at the time of his birth-

- A. his father possesses such immunity from suits and legal process as is accorded to an envoy of a foreign sovereign power accredited to the President of India and is not a citizen of India; or
- B. his father is an enemy alien and the birth occurs in a place then under occupation by the enemy.

From 1<sup>st</sup> July, 1987 i.e. the date of enforcement of the Citizenship (amendment) Act, 1986, except as provided at 9a) & 9b) above, every person born in India on or after 26<sup>th</sup> January, 1950 but before the commencement of the act and on or after such commencement and either of whose parents a citizen in India at the time of his birth, shall be citizen of India by birth.

### Citizenship by Descent

A person born outside India-

- a. On or after 26<sup>th</sup> January, 1950, but before the commencement of the Citizenship

(Amendment) act, 1992, shall be a citizen of India by descent if his father is a citizen of India at the time of his birth; or

(b) On or after such commencement, shall be a citizen of India by descent if either of his

parents is a citizen of India at the time of his birth:

Provided further if either of the parents of such a person referred to in clause (b) was a citizen of India by descent only, that person is not be a citizen of India by virtue of this section unless-

- a. his birth is registered at an Indian Consulate within one year of its occurrence or the commencement of the Citizenship ( amendment ) act, 1992, whichever is later , or, with the permission of the Central Government, after the expiry of the said period; or
- b. either of his parents is at the time of his birth, in service under a Government of India.

### Citizenship by Registration

Subject to certain conditions and restrictions, the Central Government, in the Ministry of home Affairs, may, on application made in this behalf, register as a citizen of India any person who is not already such citizen and belongs to any of the following categories-

- a. Persons of Indian origin who are ordinarily resident in India and have been so resident for five years immediately before making an application for registration. Prior to the coming into force of the Citizenship (Amendment) Act, 1986 i.e. 1<sup>st</sup> July 1987, this period was six months.
- b. Persons of Indian origin who are ordinarily resident in any country or place outside undivided India;
- c. Persons who are or have been married to citizens of India and are ordinarily resident in India and have been so resident for five years immediately before making an application for registration. Prior to the Citizenship ( amendment ) act, 1986 the clause read " women who are or have been married to citizens of India"
- d. Minor children of persons who are citizens of India; and
- e. Persons of full age and capacity who are citizens of a country specified in the first Schedule of the citizenship Act, 1955 ( appendix 14.I)

### Citizenship by Naturalization

Where an application is made in the prescribed manner by any person of full age and capacity who is not a citizen of a country specified in the First Schedule 14.I for the grant of a certificate of a naturalization to him, the Central Government may, if satisfied that the applicant is qualified for naturalization under the provisions if the Third Schedule, grant to him a certificate of naturalization.

Provided that, if in the opinion of the Central Government, the applicant is a person who has rendered distinguished services to the cause of science, philosophy, art, literature,

world peace or human progress generally, it may waive all or any of the conditions specified in the Third Schedule of Citizenship act, 1955.

The person to whom a certificate of naturalization is granted shall, on taking a oath of allegiance in the form specified in the Second Schedule, be a citizen of India by naturalization as from the date on which that certificate is granted.

### Citizenship by Incorporation of Territory

If any territory becomes a part of India, the Central Government, may by orders notified in the Official Gazette, specify the persons who shall be citizens of India by reasons of their connection with that territory, and those persons shall be citizens of India as from the date to be specified in the order.

### Termination

Citizenship is terminated either by renunciation or acquisition of citizenship of another country.

### Renunciation of Citizenship

If any citizen of India of full age and capacity, who is also a citizen or national of another country, makes in the prescribed manner a declaration renouncing his Indian citizenship; the declaration shall be registered by the prescribed authority, and upon such registration, that person shall cease to be a citizen of Indian. Provided that if any such declaration is made during any war in which India may be engaged, registration thereof shall be withheld until the Central government otherwise directs.

Where a person ceases to be a citizen of India every minor child of that person shall thereupon cease to be a citizen of India, provided that any such child may, within one year after attaining full age, make a declaration that he wishes to resume Indian citizenship and shall thereupon again become a citizen of India.

For the purpose of this section. Any woman who is, or has been, married shall be deemed to be of full age

### Acquisition of Citizenship of Another Country

Any citizen of India who by naturalization, registration or otherwise voluntarily acquires, or has at any time between the 26<sup>th</sup> January 1950 and the commencement of this Act voluntarily acquired, the citizenship of another country, cease to be a citizen of India. However, this does not apply to a citizen of India, during any war in which India may be engaged, voluntarily acquires the citizenship of another country, until the Central

Government otherwise directs.

If any question arises as to whether, when or how any person has acquired the citizenship of another country, it shall be determined by such authority, in such manner, and having regard to such rules of evidence, as may be prescribed in this behalf.

### Deprivation

The Central government under section 10 of the Indian citizenship Act, 1955 deprives any citizen of Indian Citizenship if it is satisfied that-

- a. the registration or certificate of naturalization was obtained by means of fraud, false representation or concealment of any material fact; or
- b. that citizen has shown himself by act or speech to be disloyal or disaffected towards the Constitution of India as by law established; or
- c. that citizen has, during the war in which India may be engaged, unlawfully traded or communicated with an enemy or been engaged in or associated with, any business that was to his knowledge carried on in such manner as to assist any enemy in that war; or
- d. that citizen has, within five years after registration or naturalization, been sentenced in any country to imprisonment for a term of not less than two years; or
- e. That citizen has been ordinarily resident out of India for a continuous period of seven years, and during that period, has neither been at any time a student of any educational institution in a country outside India or in the service of a Government of India or of an International organization of which India is a member, nor registered annually in the prescribed manner at an Indian consulate his intention to retain his citizenship of India.
- f. The Central Government shall not deprive a person of citizenship unless it is satisfied that it is not conducive to the public good that person should continue to be a citizen of India.