

Citizenship (नागरिकता)

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Shubham Gupta Sir

Citizenship



General Introduction

PART 02 • ARTICLES 5–11 • SINGLE CITIZENSHIP

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Citizenship is the legal and political relationship between a person and a State, under which the person receives full membership, protection and rights of that country.

FOUR CATEGORIES OF RESIDENTS

**CITIZENS****FOREIGNERS**

From friendly nations and enemy countries

**REFUGEES**

Permanent or temporary

**ILLEGAL IMMIGRANTS**

In the country without valid documents



PART 02 • ARTICLES 5–11



CITIZENSHIP ACT, 1955



CITIZENSHIP (AMENDMENT) ACT, 2019



CITIZENSHIP AMENDMENTS

1986 • 1992 • 2003 (Overseas Citizen of India) • 2005 • 2015 • 2019

**NATIONAL REGISTER OF CITIZENS**

Key Articles Related to Citizenship



► Article 05 → Citizenship at the commencement of the Constitution

- On 26 January 1950, every person who has a domicile in the territory of India and fulfills at least one of the following three conditions shall be considered a citizen of India :

1. He/she was born in the territory of India.
2. Either of his/her parents was born in the territory of India.
3. He/she has been ordinarily resident in the territory of India for not less than 5 years immediately before the commencement of the Constitution.

► Article 06 → Citizenship of persons who migrated from Pakistan to India

- This article deals with the rights of those people who came to India from the areas that became Pakistan after Partition.
 - A person shall be considered a citizen of India only if the following conditions are met :
1. The person himself/herself, or either of his/her parents, or any of his/her grandparents (paternal or maternal) was born in 'undivided India'.
 2. Migrants were divided into two categories based on 19 July 1948 (when the Permit System came into force) :
 - ◆ Those who came before 19 July 1948 → automatically became citizens of India
 - ◆ Those who came on or after 19 July 1948 → had to register for citizenship. The mandatory condition for registration was that they must have resided in India for at least 6 months immediately before applying.

► Article 07 → Rights of citizenship of certain persons who migrated to Pakistan

- If any person migrated from India to Pakistan after 1 March 1947, he/she shall not ordinarily be considered a citizen of India.
- In short = Went to Pakistan + later returned to India with a 'Permanent Resettlement Permit' → gets citizenship

► Article 08 → Rights of citizenship of certain persons of Indian origin residing outside India

- A person living abroad but having a connection to India could be considered an Indian citizen based on certain conditions :
- ◆ The person himself/herself, or either of his/her parents, or any grandparent was born in 'undivided India' as defined under the Government of India Act, 1935.
- ◆ The person is ordinarily residing in a country other than India and Pakistan.
- ◆ He/she has registered as a citizen of India at the Indian diplomatic mission in that country.
- This registration could be done at any time, before or after the commencement of the Constitution (26 January 1950).
- Article 8 = Person of Indian origin living abroad + Registration at Indian Embassy = Citizenship

► Article 09 → Persons voluntarily acquiring citizenship of a foreign state not to be citizens

- If any person has voluntarily acquired the citizenship of a foreign state, he/she shall no longer be considered a citizen of India.
- This is the most important provision establishing the principle of 'Single Citizenship' in India

► Article 10 → Continuance of the rights of citizenship

- If any person has been considered a citizen of India under Articles 5, 6, 7, or 8, he/she shall continue to be a citizen of India.
- ◆ However, Parliament has the power to make laws relating to citizenship

- Article 10 = Citizenship shall continue, but subject to the laws made by Parliament.

- Article 10 is the "guarantee of security" for your citizenship.

► Article 11 → Parliament to regulate the right of citizenship by law

- This article gives Parliament complete and supreme power to make laws for the future on any matter related to citizenship.
- The Constitution has not given any power to State Legislatures to make laws on citizenship.
- Parliament can make laws on the following matters related to citizenship -
 - ◆ Acquisition of citizenship
 - ◆ Termination of citizenship
 - ◆ Renunciation of citizenship
 - ◆ Deprivation of citizenship
 - ◆ Other rules related to citizenship
- Based on this power, Parliament enacted the Citizenship Act, 1955.

Indian Citizenship Act, 1955

1. 30 December, 1955

- It lays down the rules for the Acquisition and Termination of Indian citizenship
- Citizenship (Amendment) Act, 2019

2. Citizenship is a subject under the 'Union List'.

3. 5 Ways of Acquiring Citizenship →

- ◆ By Birth
- ◆ By Descent
- ◆ By Registration
- ◆ By Naturalization
- ◆ Incorporation of Territory

4. 3 Ways of Termination of Citizenship

- ◆ Renunciation
- ◆ Termination
- ◆ Deprivation

5. Citizenship (Amendment) Act, 2019 – CAA

- ◆ 6 minority communities (Hindu, Sikh, Buddhist, Jain, Parsi, and Christian) who came to India from Pakistan, Bangladesh, and Afghanistan before 31 December 2014 shall not be treated as illegal immigrants.
- ◆ For these communities, the mandatory period of residence for acquiring citizenship by naturalization has been reduced from 11 years to 5 years.

3 METHODS OF TERMINATION OF CITIZENSHIP

1.



**VOLUNTARY
RENUNCIATION**

2.



TERMINATION

3.



DEPRIVATION

5 WAYS OF ACQUISITION OF CITIZENSHIP



1. BY BIRTH

For a person born in India:

- ① **1 January 1950 to 1 July 1987:** A person born during this period shall be considered a citizen by birth.
- ② **On or after 1 July 1987:** At the time of birth, either the mother or the father must be an Indian citizen.
- ③ **On or after 3 December 2004:** Either the mother or the father must be an Indian citizen, and the other must not be an Illegal Immigrant.



2. BY DESCENT

For a person born outside India:

- ① **26 January 1950 to 10 December 1992:** At the time of birth, the father must be an Indian citizen.
- ② **On or after 10 December 1992:** At the time of birth, either the mother or the father must be an Indian citizen.

NOTE: The birth must be registered at an Indian Consulate within **1 year** of birth.



3. BY REGISTRATION

(Excluding Illegal Migrants)

- **Person of Indian Origin:** Must have been residing in India for at least **7 years** immediately before applying.
- **By Marriage:** A foreign person married to an Indian citizen and residing in India for **7 years** before the application.
- **Minor Children:** Whose parents are Indian citizens.



4. BY NATURALISATION

- Any foreigner (who is not an illegal migrant) if he or she has resided in India continuously for **12 months** immediately before applying.
- In the **14 years** preceding those **12 months**, he or she must have spent at least **11 years** in India. (Under CAA 2019, this has been reduced to **5 years** for certain categories.)



5. BY INCORPORATION OF TERRITORY

If a new territory becomes part of India, the Central Government specifies through a notification in the **Official Gazette** which persons of that territory shall be deemed to be Indian citizens.

⇒ Important Amendments to the Citizenship Act (Important Amendments) ⇒

- 1986 Amendment:** → For citizenship by birth, the condition was added that either the mother or the father must be an Indian citizen.
- 2003 Amendment:** → A clear definition of 'Illegal Migrant' was introduced, and the provision of Commonwealth Citizenship was abolished.
- 2015 Amendment:** → The PIO (Person of Indian Origin) and OCI (Overseas Citizen of India) card schemes were merged to create the 'OCI Cardholder' scheme.

⇒ Citizenship (Amendment) Act, 2019 (CAA 2019): ⇒

- ★ **Provision:** → People belonging to 6 minority communities (Hindu, Sikh, Buddhist, Jain, Parsi and Christian) who came to India from Pakistan, Bangladesh and Afghanistan before 31 December 2014 will not be treated as illegal migrants.

March 11, 2024

- ★ **Exemption:** → For these communities, the mandatory period of residence required to obtain citizenship by naturalisation was reduced from **11 years** to **5 years**.



Citizenship for Foreigners

- ❖ In the year 2000, a committee was formed under the chairmanship of Dr. L. M. Singhvi.
- ❖ 9 January → Pravasi Bharatiya Divas

Category	Description
Non-Resident Indian (NRI)	Those Indian citizens who live abroad. Staying abroad for 182 days or more on a visa.
Person of Indian Origin (PIO)	Those foreign citizens whose ancestors were Indian.
Overseas Citizen of India (OCI)	Those who have been granted special status by India.

Description	1. NRI (Non-Resident Indian)	2. PIO (Person of Indian Origin)	3. OCI (Overseas Citizenship of India)
Citizenship / Definition	Fully an Indian citizen	Currently not an Indian citizen	This is not full citizenship, only a Status
Residence / Year of Issue	Staying abroad for 182 days or more on a visa	PIO Card mainly issued in 2002	Started : 2003 Committee: L. M. Singhvi Committee (Formed 2000 Report 2002)

Related Acts / Extension	• Passport (Entry into India) Act, 1920 • Foreigners Act, 1946 • Passport Act, 1967	—	➤ Extension (2005) : PIOs of all countries can become OCI. ➤ PIO Card + OCI = 9 January, 2015 ➤ Exception : Pakistan and Bangladesh
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Basis	National Population Register (NPR)	Census
Legal Basis	Citizenship Act, 1955	Census Act, 1948
Purpose	To create a database of identification of individuals	To collect macro-level data on the country's population, economy, and society
Data Confidentiality	Data of specific individuals (Identity) is available for government use	Census data is completely confidential; it cannot be used to identify any specific individual
Target Group	Details of only 'usual residents'	Comprehensive details of all residents of the country



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