



Citizenship

The citizenship

What is citizenship

The population of State is divided into two class of people: Citizens and Aliens i.e., non-citizens. A Citizen of a state is a person who enjoys full civil and political rights. Citizens are different from aliens who do not enjoy all these rights.

The concept of citizenship is a person's legal status as a member of a sovereign state or nation. Citizenship is a relationship between an individual and a State to which the individual owes allegiance and in turn is entitled to its protection. Citizenship implies the status of freedom with accompanying responsibilities. Citizens have certain rights, duties, and responsibilities that are denied or only partially extended to aliens and other noncitizens residing in a country. In simple terms citizenship is considered to establish a relationship between an individual and the State.

There are two main doctrines that govern the granting of citizenship. They are:

1. **Jus Soli-** Jus soli is a Latin term that means law of the soil. According this principle citizenship is given on the basis of birth in a country.
2. **Jus Sanguinis-** Jus Sanguinis is a Latin term which means right of blood. It lays down the principle that the nationality or citizenship of a person is determined by the citizenship of the parents who is a national or citizen of a state. It is that type of citizenship that is conferred upon a person based on his/her parent's nationality. Basically, the child obtains citizenship through descent independent of where his/her parents are born.

Citizenship in India

Part II of the Indian Constitution deals with the citizenship from Articles 5 to 11. The Constitution does not lay down any permanent or comprehensive provision in connection with citizenship in India. Part II of the constitution simply defines the classes of persons who would be deemed to be the citizens of India at the time of commencement of Constitution and leaves the entire legal process of the citizenship to be regulated by the law made by the Parliament as Article 11 confers the power on Parliament to make laws on citizenship and matters incidental to. In exercise of its power the Parliament has enacted the Indian Citizenship Act, 1955 which provides for the acquisition and termination of citizenship.

Article 11 empowers the Parliament of making laws regarding citizenship. Indian Citizenship Act was passed by Parliament in 1955. It prescribes five ways of acquiring citizenship-

1. By Birth,
2. By Descent,
3. By Registration,
4. By Naturalisation
5. By incorporation of territory

By Birth (Section 3)

Citizenship is conferred to every person **born in India on or after 26 January 1950 but before 1 July 1987.**

By Descent (Section 4)

Anyone who was **born on or after 26 January 1950** will be considered as Indian citizen if his father is born in India. A person will receive citizenship if **one of the parents are Indian citizens** at the time of a child's birth outside the nation on or after December 10, 1992.

By Registration (Section 5)

Anyone having **Indian descent and lived in India for 7 years** before applying for registration to be an Indian citizen.

Anyone who has **got married to an Indian citizen and lived for 7 years** in India before applying for registration to be an Indian citizen.

By Naturalization (Section 6)

Being an **ordinary resident of India for 12 years** and fulfilling requirements of 3rd Schedule of Citizenship Act.

Relinquishes citizenship of other country to acquire Indian citizenship but must not be from nations that do not provide citizenship to Indian citizens through the mode of Naturalization.

Must be a **person bearing good character** and is acquainted with at least **one language mentioned in 8th Schedule** of Constitution of India.

Citizenship by incorporation of new territory

Section 7 of the 1955 Act deals with citizenship by incorporation of new territory. It elaborates a situation when a state not previously included within the territory of India becomes a part of India then citizens of that state become citizens of India.

The Indian Citizenship Act 1955, prescribes three ways of losing citizenship whether acquired under the Act or prior to it under the Constitution:

1. **By Renunciation:** any person with majority and capacity can declare to renounce his citizenship. Upon such registration of request, the person shall cease to be a citizen of India.
2. **By Termination:** When a person with his knowledge acquired citizenship of any other country than the Indian citizen automatically forfeits.
3. **By Deprivation:** It is a compulsory termination of Indian citizenship by the Central government, if:
 - Citizen has obtained citizenship by fraud.
 - Citizen has shown disloyalty to the Constitution of India.
 - Citizen has unlawfully traded or communicated with the enemy during a war.
 - The citizen has, within five years after registration or naturalisation, been imprisoned in any country for two years; and
 - Citizen has been ordinarily resident out of India for seven years continuously.

Citizenship at the commencement of the Constitution

The following persons under Article 5 to 8 of the Constitution of India shall become citizens of India at the commencement of the Constitution:

1. Citizenship by domicile (Article 5)
2. Citizenship of emigrants from Pakistan (Article 6)
3. Citizenship of migrants to Pakistan (Article 7)
4. Citizenship of Indian abroad (Article 8)

- ❖ **Citizenship by domicile: Article 5** confers citizenship by domicile if a person fulfill following two conditions:
 1. firstly, At the time of commencement of constitution he should have his domicile in India.
 2. Secondly, he must fulfill the any of the three conditions
 1. he was born in India, or
 2. either of his parents was born in India, or
 3. he must have been ordinarily resident in the territory of India for not less than five years immediately before the commencement of the Constitution.

- ❖ **Citizenship of emigrants from Pakistan Article 6** talks about the rights of citizenship of certain persons who have migrated to India from Pakistan.
 - Firstly, it gives citizenship right to any person who has migrated from Pakistan to India provided any of his parents or grandparents were Indian Citizens according to the Government of India Act, 1935.
 - Secondly, it talks about the citizenship of a person who migrated before and after the 19th July 1948 and its procedure of recording in the registered document.

- ❖ **Article 7 provides for the rights** of citizenship of certain migrants to Pakistan.

- ❖ **Article 8 provides** for rights of citizenship of certain persons of Indian origin residing outside India.

- ❖ Person voluntarily acquiring citizenship of a foreign State not to be citizens is mentioned in **Article 9**.

- ❖ **Article 11 empowers** Parliament to make any provision w.r.t the acquisition and termination of citizenship and all matters relating to it.

Amendment to Citizenship under Citizenship Act, 1955

- ❖ The act was amended four times in 1986, 2003, 2005 and 2015. Under section 7(A) of The citizenship Amendment Act, 2015 Central government may, subject to such conditions, restrictions and manner as may be prescribed, on an application made in on this behalf, register as an overseas citizen of India cardholder.

- ❖ Under this Amendment Act it has been provided that no person, who or either of whose parents or grandparents or great grandparents is or had been a citizen of Pakistan, Bangladesh or such other country as the central government may, by notification in the official Gazette, specify shall be eligible for registration as an overseas citizen of India cardholder under this subsection.
- ❖ The Citizenship (Amendment) Act, 2019 was passed by the Parliament of India on **11 December, 2019**.
- ❖ It amended the Citizenship Act, 1955 by providing Indian Citizenship for illegal migrants of Hindu, Sikh, Jain, Parsi, Buddhist and Christians religious minorities, who had come to India before 31 December, 2014 due to religious persecution from Pakistan, Bangladesh and Afghanistan, Muslims are not included in this Act.
- ❖ This act came into force from **10 January, 2020**. This Act does not apply to the tribal areas of Assam, Meghalaya, Mizoram and Tripura included in the sixth schedule of the constitution. This act does not apply even in the areas coming to the inner line under the Bengal Eastern **Frontier Regulation, 1873**.
- ❖ India, like that of Britain, adopted the system of **single citizenship**.

Rights of Citizens

The constitution of India grants some rights solely to Indian citizen and are same denied to foreign nations. The following rights are:

- **Article 15:** Right against discrimination on grounds of religion, race, caste, sex or place of birth.
- **Article 16:** Right to equality of opportunity in the matter of public employment
- **Article 19:** Right to freedom of speech and expression, assembly, association, movement, residence and profession.
- **Articles 29 and 30:** Cultural and educational rights.
- **Right to vote** in elections to the Lok Sabha and state legislative assembly.
- **Right to contest election** of the Parliament and the state legislature.
- **Eligibility to hold** certain public offices, that is, President of India, Vice-President of India, judges of the Supreme Court and the high courts,

governor of states, the attorney general of India and advocate general of states.

One Citizenship in India

Although our Constitution is federal in nature, but it recognizes one citizenship only. There is no separate citizenship unlike federal States like USA and Switzerland, there is dual citizenship i.e., the citizenship of USA and the citizenship of the State where a person is born and permanently resides. In India, person born or resident in any state can acquire only one citizenship that is the citizenship of India.

Question Based on the Topic

1. The citizenship provided by the Constitution of India is:

- (a) Dual citizenship
- (b) Single citizenship
- (c) Both of the above
- (d) None of the above

Ans. (b)

2: Which Articles of Indian Constitution are related to citizenship?

- (a) Article 3 to 10
- (b) Article 4 to 11
- (c) Article 5 to 11
- (d) Article 6 to 11

Ans. (c)

3: Indian citizenship cannot be obtained by

- (a) Birth
- (b) Naturalisation
- (c) Absorbing any part of land
- (d) Depositing money in Indian Banks

Ans. (d)

4: Who among the following is not eligible for registering as an overseas citizen of India cardholder under the Citizenship Amendment Act, 2015?

- (a) A minor child whose parents are an Indian citizen.
- (b) Spouse of foreign origin of an Indian citizen.
- (c) Indian who migrated to Pakistan after partition
- (d) A great grandchild of a person who is a citizen of another country but whose grandparents were a citizen of India at the time of commencement of the Constitution.

Ans. (c)

5: A citizen of India will lose his or her citizenship if he or she

- 1. Renounces Indian citizenship.
- 2. Voluntarily acquires the citizenship of another country.
- 3. Marries a citizen of another country.
- 4. Criticizes the government.

Select the correct answer using the codes given below:

- (a) 1, 2 and 3
- (b) 2, 3 and 4

- (c) 1 and 2 only
- (d) 1 and 4 only

Ans. (c)

6: Consider the following statements:

1. Article 371 A to 371 were inserted in the Constitution of India to meet regional demands of Nagaland, Assam, Manipur, Andhra Pradesh, Sikkim, Mizoram, Arunachal Pradesh and Goa.
2. The Constitution of India and the United States of America envisage a dual policy (The Union and the States) but a single citizenship.
3. A Naturalised citizen of India can never be deprived of his citizenship.

Which of the statements given above is/are correct?

- (a) 1, 2 and 3
- (b) 1 and 3
- (c) 3 only
- (d) 1 only

Ans. (d)

7. Which country accepted the policy of Dual Citizenship

- (a) India
- (b) Canada
- (c) Australia
- (d) USA

Ans. (d)

8. Who/which of the following is competent to prescribe conditions for acquisition of citizenship ?

- (a) Election commission
- (b) President
- (c) Parliament and State Legislatures jointly
- (d) Parliament

Ans. (d)

9. How many years does a person of Indian origin need to reside in India to become a citizen of India under the Citizenship Act, 1955?

- (a) 5 years
- (b) 3 years
- (c) 7 years
- (d) 9 years

Ans. (c)

10. When was the Citizenship (Amendment) Bill 2019 passed by Parliament?

- (a) 10 December, 2019
- (b) 11 December, 2019
- (c) 12 December, 2019
- (d) 13 December, 2019

Ans. (b)

11. Which of the following statements is incorrect with respect to citizens of a country?

- (a) One essential condition for a democratic state is that citizens must participate in the governing process.
- (b) The quality of democracy improves if citizens participate in its activities.
- (c) Every inhabitant of the country becomes a citizen by default.
- (d) A citizen is one who is a member of the state and participates in the process of government.

Ans. (c)

12. The word 'Citizen' got by which of the following revolutions?

- (a) American Revolution
- (b) Glorious Revolution
- (c) Industrial Revolution
- (d) French Revolution

Ans. (d)



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