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Constitution of India

Module I

Constitution

Constitution is a system of beliefs and laws by which a country/state is governed. 'It is a document having special legal sanctity which sets out the framework and the principal functions of the organs of the government of the state and declares the principles governing the operations of those organs'. Constitution is defined as the collection of legal rules providing a framework for the government. The basic rules for the behaviour of members of a state are called the constitution of the state.

Constitution derives its power and authority directly from the people. Constitution is the fundamental and supreme law of the land enjoying legal sanctity. Hence, it is above all the laws enacted by the Parliament. Constitution is a document that reflects or symbolizes the independence of sovereignty of the country. The constitution is a special document that sets out the role and functions of the principal organs of the government namely the legislature, judiciary and executive and the relationships between them.

Importance of constitution

Constitution intends to offset the inefficiencies of the legal systems that form the basis of the formation of any modern state by creating a system that upholds the sovereignty of the state and the freedom of the people.

The constitution of a country establishes the organs of the government—the legislature, executive and judiciary. It defines the powers of the legislature, executive and judiciary, and makes a clear demarcation of the responsibilities assigned to each of them and regulates the relationship between these organs. Thus, the constitution provides for an efficient government.

Thus, the constitution lays down the basic structure of the government and principles according to which the nation must be governed. It also lays down the goals for the nation which forms the basis of the duties prescribed to the governments as well as the people. It defines the relationship between the government and its people.

Historical Background of Indian constitution

Before 1947, India was divided into two main entities – The British India which consisted of 11 provinces and the Princely states ruled by Indian princes under subsidiary alliance policy. The two entities merged together to form the Indian Union, but many of the legacy systems in

British India is followed even now. The historical underpinnings and evolution of the India Constitution can be traced to many regulations and acts passed before Indian Independence.

Indian System of Administration

Indian democracy is a Parliamentary form of democracy where the executive is responsible to the Parliament. The Parliament has two houses – Lok Sabha and Rajya Sabha. Also, the type of governance is Federal, i.e. there is separate executive and legislature at Center and States. We also have self-governance at local government levels. All these systems owe their legacy to the British administration. There are various layers in the background of the Indian Constitution:

Regulating Act of 1773

- The first step was taken by the British Parliament to control and regulate the affairs of the East India Company in India.
- It designated the Governor of Bengal (Fort William) and created an executive council of four members to assist him.
- Warren Hastings became the first Governor-General of Bengal.
- There was no separate legislative council.
- It subordinated the Governors of Bombay and Madras to the Governor-General of Bengal.
- The Supreme Court was established at Fort William (Calcutta) as the Apex Court in 1774.
- It prohibited servants of the company from engaging in any private trade or accepting bribes from the natives.
- Court of Directors (the governing body of the company) should report its revenue.

Pitt's India Act of 1784

- Distinguished between commercial and political functions of the company.
- Court of Directors for Commercial functions and Board of Control for political affairs.
- Reduced the strength of the Governor General's council to three members.
- Placed the Indian affairs under the direct control of the British Government.
- The company's territories in India were called "the British possession in India".
- Governor's councils were established in Madras and Bombay.

Charter Act of 1813

- The Company's monopoly over Indian trade terminated; Trade with India open to all British subjects.

Charter Act of 1833

- Governor-General (of Bengal) became the Governor-General of India.
- First Governor-General of India was Lord William Bentick.
- This was the final step towards centralization in British India.
- Beginning of a Central legislature for India as the act also took away legislative powers of Bombay and Madras provinces.
- The Act ended the activities of the East India Company as a commercial body and it became a purely administrative body.

Charter Act of 1853

- The legislative and executive functions of the Governor-General's Council were separated.
- 6 members in Central legislative council. Four out of six members were appointed by the provisional governments of Madras, Bombay, Bengal and Agra.
- It introduced a system of open competition as the basis for the recruitment of civil servants of the Company (Indian Civil Service opened for all).

Government of India Act of 1858

- The rule of Company was replaced by the rule of the Crown in India.
- The powers of the British Crown were to be exercised by the Secretary of State for India
- He was assisted by the Council of India, having 15 members
- He was vested with complete authority and control over the Indian administration through the Viceroy as his agent
- The Governor-General was made the Viceroy of India.
- Lord Canning was the first Viceroy of India.
- Abolished Board of Control and Court of Directors.

Indian Councils Act of 1861

- It introduced for the first time Indian representation in the institutions like Viceroy's executive+legislative council (non-official). 3 Indians entered the Legislative council.
- Legislative councils were established in Center and provinces.
- It provided that the Viceroy's Executive Council should have some Indians as the non-official members while transacting the legislative businesses.
- It accorded statutory recognition to the portfolio system.
- Initiated the process of decentralisation by restoring the legislative powers to the Bombay and the Madras Provinces.

Indian Council Act of 1892

- Introduced indirect elections (nomination).
- Enlarged the size of the legislative councils.
- Enlarged the functions of the Legislative Councils and gave them the power of discussing the Budget and addressing questions to the Executive.

Indian Councils Act of 1909

1. This Act is also known as the Morley- Minto Reforms.
2. Direct elections to legislative councils; first attempt at introducing a representative and popular element.
3. It changed the name of the Central Legislative Council to the Imperial Legislative Council.
4. The member of the Central Legislative Council was increased to 60 from 16.
5. Introduced a system of communal representation for Muslims by accepting the concept of 'separate electorate'.
6. Indians for the first time members in Viceroy's executive council. (Satyendra Prasanna Sinha, as the law member)

Government of India Act of 1919

- This Act is also known as the Montague-Chelmsford Reforms.
- The Central subjects were demarcated and separated from those of the Provincial subjects.
- The scheme of dual governance, 'Dyarchy', was introduced in the Provincial subjects.
- Under the dyarchy system, the provincial subjects were divided into two parts – transferred and reserved. On reserved subjects, Governor was not responsible to the Legislative council.
- The Act introduced, for the first time, bicameralism at the center.
- Legislative Assembly with 140 members and Legislative council with 60 members.
- Direct elections.
- The Act also required that the three of the six members of the Viceroy's Executive Council (other than Commander-in-Chief) were to be Indians.
- Provided for the establishment of the Public Service Commission.

Government of India Act of 1935

- The Act provided for the establishment of an All-India Federation consisting of the Provinces and the Princely States as units, though the envisaged federation never came into being.
- Three Lists: The Act divided the powers between the Centre and the units into items of three lists, namely the Federal List, the Provincial List and the Concurrent List.

- The Federal List for the Centre consisted of 59 items, the Provincial List for the provinces consisted of 54 items and the Concurrent List for both consisted of 36 items
- The residuary powers were vested with the Governor-General.
- The Act abolished the Dyarchy in the Provinces and introduced 'Provincial Autonomy'.
- It provided for the adoption of Dyarchy at the Centre.
- Introduced bicameralism in 6 out of 11 Provinces.
- These six Provinces were Assam, Bengal, Bombay, Bihar, Madras and the United Province.
- Provided for the establishment of Federal Court.
- Abolished the Council of India.

Indian Independence Act of 1947

- It declared India as an Independent and Sovereign State.
- Established responsible Governments at both the Centre and the Provinces.
- Designated the Viceroy India and the provincial Governors as the Constitutional (normal heads).
- It assigned dual functions (Constituent and Legislative) to the Constituent Assembly and declared this dominion legislature as a sovereign body.

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THE CONSTITUTION OF INDIA

PREAMBLE

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a **¹[SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC]** and to secure to all its citizens :

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity and to promote among them all;

FRATERNITY assuring the dignity of the individual and the **²[unity and integrity of the Nation]**;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949 do **HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.**

1. Subs. by the Constitution (Forty-second Amendment) Act, 1976, Sec.2, for "Sovereign Democratic Republic" (w.e.f. 3.1.1977)
2. Subs. by the Constitution (Forty-second Amendment) Act, 1976, Sec.2, for "Unity of the Nation" (w.e.f. 3.1.1977)

Preamble of Indian Constitution

- A preamble is an introductory statement in a document that explains the document's philosophy and objectives.
- In a Constitution, it presents the intention of its framers, the history behind its creation, and the core values and principles of the nation.
- The preamble basically gives idea of the following things/objects:
 - Source of the Constitution
 - Nature of Indian State
 - Statement of its objectives
 - Date of its adoption

History of the Preamble to Indian Constitution

- The ideals behind the Preamble to India's Constitution were laid down by **Jawaharlal Nehru's Objectives Resolution**, adopted by the Constituent Assembly on January 22, 1947.
- Although not enforceable in court, the Preamble states the objectives of the Constitution, and acts as an aid during the interpretation of Articles when language is found ambiguous.

Components of Preamble

- It is indicated by the Preamble that the source of authority of the Constitution lies with the people of India.
- Preamble declares India to be a sovereign, socialist, secular and democratic republic.
- The objectives stated by the Preamble are to secure justice, liberty, equality to all citizens and promote fraternity to maintain unity and integrity of the nation.
- The date is mentioned in the preamble when it was adopted i.e. November 26, 1949.

Key words in the Preamble

- **We, the people of India:** It indicates the ultimate sovereignty of the people of India. Sovereignty means the independent authority of the State, not being subject to the control of any other State or external power.
- **Sovereign:** The term means that India has its own independent authority and it is not a dominion of any other external power. In the country, the legislature has the power to make laws which are subject to certain limitations.
- **Socialist:** The term means the achievement of socialist ends through democratic means. It holds faith in a mixed economy where both private and public sectors co-exist side by side.

It was added in the Preamble by 42nd Amendment, 1976.

- **Secular:** The term means that all the religions in India get equal respect, protection and support from the state.

It was incorporated in the Preamble by 42nd Constitutional Amendment, 1976.

- **Democratic:** The term implies that the Constitution of India has an established form of Constitution which gets its authority from the will of the people expressed in an election.
- **Republic:** The term indicates that the head of the state is elected by the people. In India, the President of India is the elected head of the state.

Objectives of the Indian Constitution

The Constitution is the supreme law and it helps to maintain integrity in the society and to promote unity among the citizens to build a great nation. The main objective of the Indian Constitution is to promote harmony throughout the nation. The factors which help in achieving this objective are:

- **Justice:** It is necessary to maintain order in society that is promised through various provisions of Fundamental Rights and Directive Principles of State Policy provided by the Constitution of India. It comprises three elements, which are social, economic, and political.
- **Social Justice** – Social justice means that the Constitution wants to create a society without discrimination on any grounds like caste, creed, gender, religion, etc.
- **Economic Justice** – Economic Justice means no discrimination can be caused by people on the basis of their wealth, income, and economic status. Every person must be paid equally for an equal position and all people must get opportunities to earn for their living.
- **Political Justice** – Political Justice means all the people have an equal, free and fair right without any discrimination to participate in political opportunities.
- **Equality:** The term ‘Equality’ means no section of society has any special privileges and all the people have given equal opportunities for everything without any discrimination. Everyone is equal before the law.
- **Liberty:** The term ‘Liberty’ means freedom for the people to choose their way of life, have political views and behavior in society. Liberty does not mean freedom to do anything; a person can do anything but in the limit set by the law.
- **Fraternity:** The term ‘Fraternity’ means a feeling of brotherhood and an emotional attachment with the country and all the people. Fraternity helps to promote dignity and unity in the nation.

Amendment of the Preamble

The term ‘Socialist’, ‘Secular’, and ‘Integrity’ were added to the preamble through 42nd Amendment Act, 1976.

‘Socialist’ and ‘Secular’ were added between ‘Sovereign’ and ‘Democratic’.

‘Unity of the Nation’ was changed to ‘Unity and Integrity of the Nation’.

Salient Features of Indian Constitution

The Constitution of India is a unique constitution. It is the largest written liberal democratic constitution of the world. Our Constitution has adopted the best features of most of the major constitutions of the world as per the needs of the country. It provides for a mixture of federalism and Unitarianism, and flexibility and with rigidity.

It was in 1934 that the idea of a Constituent Assembly for India was put forward for the first time by M.N. Roy, a pioneer of communist movement in India. In 1935, the Indian National Congress (INC), for the first time, officially demanded a Constituent Assembly to frame the Constitution of India. In 1938, Jawaharlal Nehru, on behalf the INC declared that ‘the Constitution of free India must be framed, without outside interference, by a Constituent Assembly elected on the basis of adult franchise’.

The Constituent Assembly was constituted in November 1946 under the scheme formulated by the Cabinet Mission Plan. The Constituent Assembly held its first meeting on December 9, 1946. Dr. Sachchidananda Sinha, the oldest member, was elected as the temporary President of the Assembly, following the French practice. Later, Dr. Rajendra Prasad was elected as the President of the Assembly. Similarly, both H.C. Mukherjee and V.T. Krishnamachari were elected as the Vice-Presidents of the Assembly. Dr. B.R. Ambedkar was selected as the chairman of drafting committee.

The Constitution as adopted on November 26, 1949, contained a Preamble, 395 Articles and 8 Schedules. The Preamble was enacted after the entire Constitution was already enacted.

Since its inauguration on 26th January 1950, the Constitution India has been successfully guiding the path and progress of India. Each and every institution functions according to certain basic rules. State is a political institution. The basic rules of the state are called constitution.

Salient Features of the constitution are as follows:

1. Longest constitution in the world

In its original form, the Constitution contained **395** articles in 22 parts and **eight** schedules. Currently, the **Constitution** of **India** comprises **470 articles** in 25 parts, 12 schedules. It is longest constitution because:

- It incorporates the experience of all leading constitution.
- It prescribes constitution for the union as well as for the states.
- It incorporates detailed provisions regarding centre –state relations.
- It incorporates special provisions for Jammu Kashmir.
- It includes justifiable and non –justifiable rights.

- It contains special provisions to meet regional problems.

2. Taken from various sources

The Indian Constitution was framed from multiple sources including the 1935 Government of India Act and Other Countries Constitutions.

Feature of Indian Constitution	Borrowed From (Source)
Basic structure (Federal scheme, Judiciary, Governors, Emergency powers, Public Service Commissions, Administrative details etc.)	Government of India Act 1935
Fundamental Rights	American Constitution
Directive Principles	Irish Constitution
Cabinet form of government	British Constitution

In addition to these, from the Constitutions of Canada, Australia, Germany, the U.S.S.R., and France also it adopted various provisions.

3. Federal System with Unitary Features

The nature of the Indian state is federal, in the sense that the powers are distributed between the Union and the state. But in times of emergency Central Government assumes a unitary character. It is federal because:

1. It has two sets of government.
2. There is division of powers between the centre and the states.
3. There is independent judiciary.

It is unitary because:

1. It is described as “union of states”.
2. There is single citizenship.
3. There is single integrated judicial and administrative system.
4. There is integrated machinery for elections, audits.
5. State Governors are appointed and removed by President.
6. States depend upon the union’s grant – in – aid.
7. During emergency, it can be converted into unitary system.

4. Rigidity and flexibility

Though India has a written constitution; the Indian constitution is not as rigid as the American constitution. It has incorporated the flexible nature in the procedures for amendments. There are three methods by which the constitution is amended. The procedure for amendment is simple.

5. Parliamentary system of government

The constitution of India establishes parliamentary form of government both at the centre and the states. In a Parliamentary form of government, the Prime Minister and council of Ministers are responsible for all their actions to the government, particularly to the Lower house, Lok Sabha. The

Parliament keeps control on executives by various means i.e. by asking questions by no confidence motion etc. Also in Parliamentary system there are two types of head; one is nominal and one is real. In India President is nominal and Prime-Minister is real head.

6.Fundamental rights and fundamental duties

Fundamental Rights: The fundamental Rights are guaranteed by the constitution to all its citizens through Part III of the constitution. It guarantees Right to Equality, Right to freedom, Freedom of religion, Right against Exploitation, Educational and Cultural right and Right to constitutional Remedies. One can approach the Supreme Court directly in case of violation of Fundamental Rights. There are certain restrictions on fundamental rights in the interests of public order, the sovereignty and integrity of India, public decency, morality etc.

The constitution also provides a list of 11 duties of the citizens, known as the **Fundamental Duties** (Article 51A).

7.Directive principles of state policy

Part IV of the constitution deals with Economic and cultural Rights. However, they are not justifiable in the court of law. The idea of a 'welfare state' envisaged in our constitution can only be achieved if the states try to implement them with a high sense of moral duty.

8. Independent judiciary

The constitution provides an independent judiciary (Article 76) which ensures that the government is carried on in accordance with the provisions of the constitution and acts as a guardian of the liberties and fundamental rights of the citizens. The constitution has made Judiciary independent from legislature and executive. Judges are free from the interference of other organs of the government, so that judges can give judgment without fear and favour. The Indian Judiciary is independent as per the norms of separation of powers.

9. Adult Suffrage

All adult citizens above 18 are given the right to vote. There are no separate electorates for people belonging to different communities. Thus in India there is Universal Adult Franchise without Communal Representation.

10. Single citizenship

The Indian constitution provides a **single citizenship** for all the people residing different parts of the country and there is no separate citizenship for the states (Article 5–11).

11.Bicameral legislatures

The Indian constitution provides a bicameral legislatures at centre consisting of **Rajya Sabha (Council of States)** and **Lok Sabha (House of the People)** (Article 79).

12. Emergency powers

The constitution vests extraordinary powers, known as **Emergency Powers** in the President during emergencies out of armed rebellion or external aggression or due to failure of constitutional machinery in the state (Article 352–360).

13. Special provisions for minorities

The constitution makes **special provisions for minorities**, Scheduled castes, Scheduled Tribes, etc. by granting them certain special rights and provisions.

Union and Its Territory (Article 1 – 4)

Articles 1 to 4 under Part I of the Constitution explains the Union and its Territory.

Article 1:

Article 1(1) states that India, that is Bharat, shall be a Union of States.

Article 1(2) states that the States and the territories will be specified in the First Schedule.

Article 1(3) states that the territory of India will comprise the following –

- i. The territories of the States;
- ii. The Union territories mentioned in the First Schedule; and
- iii. Such other territories as may be acquired.

Article-1 describes India as a ‘Union of States’. Dr. B.R. Ambedkar said that the Indian federation was a “Union” because it was indissoluble, and no State had a right to separate from the Indian Union. The country is one integral unit beside the fact that it consists of different states for the convenience of administration.

The phrases ‘Union of India’ and ‘Territory of India’ has to be differentiated. The Union of India includes only the States enjoying the Status of being members of the federal system and sharing the powers with the Union.

The territory of India includes not only the States but also the Union Territories and such other territories as may be acquired by India in future. First Schedule of the Constitution has specified states and the Territories both.

Article – 2:

It deals with admission or establishment of new States. Parliament may by law admit into the Union, or establish, new States based on terms and conditions.

Article- 3:

It states that the Parliament may by law form a new State by separation of a territory from any State or by uniting two or more States completely or in parts or by uniting any territory to a part of any State. It deals with the following:

- Formation of new States
- Alteration of areas of States
- Boundaries or names of existing States

Thus Parliament can increase or diminish the area of any State or can alter the boundaries or names of any State. Parliament follows the following procedures in this regard.

Article-4:

It says that any law referred to in Article-2 or Article-3 will contain such provisions for the amendment of the Ist Schedule and the IVth Schedule necessary to provide effects to the provisions of law and may also contain such supplemental, incidental, and consequential provisions, as the Parliament may deem necessary.

This Article allows for consequential changes in the Ist Schedule i.e. names of the States in the Union of India and IVth Schedule i.e. a number of seats allotted in the Rajya Sabha for each state. Constitution will not treat any such law altering existing States or creating a new State, as the amendment.

At Present India has 28 States and 8 Union Territories. The erstwhile state of Jammu and Kashmir has been bifurcated in to two Union Territories (UT) of J&K and Ladakh. The newly formed union territories have been formed under a reorganization act passed by the Parliament on 5-6 August 2020.

Name of Indian States

S.No	States Name
1	Andhra Pradesh
2	Arunachal Pradesh
3	Assam
4	Bihar
5	Chhattisgarh
6	Goa
7	Gujarat
8	Haryana
9	Himachal Pradesh
10	Jharkhand

11	Karnataka
12	Kerala
13	Madhya Pradesh
14	Maharashtra
15	Manipur
16	Meghalaya
17	Mizoram
18	Nagaland
19	Odisha
20	Punjab
21	Rajasthan
22	Sikkim
23	Tamil Nadu
24	Telangana
25	Tripura
26	Uttar Pradesh
27	Uttarakhand
28	West Bengal

Union Territories

Sl No.	Union Territory
1	Andaman and Nicobar Islands
2	Chandigarh
3	Dadra & Nagar Haveli and Daman & Diu
4	Delhi
5	Jammu and Kashmir
6	Lakshadweep
7	Puducherry
8	Ladakh

Citizenship

Meaning of Citizenship

Citizenship is a legal status acquired by a person in a state, where in he is entitled to enjoy all the legal rights and privileges granted by the state and is obliged to obey the law and fulfill the duties imposed by the state. India doesn't permit multiple or dual citizenship.

The Constitution deals with the citizenship from Articles 5 to 11 under Part II.

The Citizenship Act (1955)

The Citizenship Act (1955) provides for acquisition and loss of citizenship after the commencement of the Constitution. Originally, the Citizenship Act (1955) also provided for the Commonwealth Citizenship. But, this provision was repealed by the Citizenship (Amendment) Act, 2003.

Acquisition of Citizenship

The Citizenship Act of 1955 prescribes five ways of acquiring citizenship, viz, birth, descent, registration, naturalisation and incorporation of territory:

1. By Birth

- Every person born in India –
- (a) on or after the 26th day of January, 1950, but before the 1st day of July, 1987 is a citizen of India, irrespective of nationality of his parents
- (b) on or after the 1st day of July, 1987, but before 3rd December 2004 is considered citizen of India by birth if either of whose parents is a citizen of India at the time of his birth;
- (c) After 3rd December, 2004, he acquires citizenship by birth if (i) both of his parents are citizens of India; or (ii) one of whose parents is a citizen of India and the other is not an illegal migrant at the time of his birth, shall be a citizen of India by birth.

2. By Descent

- (a) A person born outside India on or after the 26th day of January, 1950, but before the 10th day of December 1992, if his father is a citizen of India at the time of his birth; or
- (b) A person born outside India on or after the 10th day of December, 1992, but before 3rd December 2004, is considered as a citizen of India if either of his parents is a citizen of India at the time of his birth shall be a citizen of India by descent.

A person born outside India on or after 3rd December 2004 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.

An application, for registration of the birth of a minor child, to an Indian consulate shall be accompanied by an undertaking in writing from the parents of such minor child that he or she does not hold the passport of another country. Further, a minor who is a citizen of India by virtue of descent and is also a citizen of any other country shall cease to be a citizen of India if he does not renounce the citizenship or nationality of another country within six months of his attaining full age.

3. By Registration

The Central Government may, on an application, register as a citizen of India any person (not being an illegal migrant) if he belongs to any of the following categories, namely:-

(a) a person of Indian origin who is ordinarily resident in India for seven years before making an application for registration;

(b) a person of Indian origin who is ordinarily resident in any country or place outside undivided India;

(c) 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;

(d) minor children of persons who are citizens of India;

(e) a person of full age and capacity whose parents are registered as citizens of India;

(f) a person of full age and capacity who, or either of his parents, was earlier citizen of independent India, and is ordinarily resident in India for twelve months immediately before making an application for registration;

(g) a person of full age and capacity who has been registered as an overseas citizen of India cardholder for five years, and who is ordinarily resident in India for twelve months before making an application for registration.

A person shall be deemed to be of Indian origin if he, or either of his parents, was born in undivided India or in such other territory which became part of India after the August 15, 1947. All the above categories of persons must take an oath of allegiance before they are registered as citizens of India .

4. By Naturalisation

The Central Government may, on an application, grant a certificate of naturalisation to any person (not being an illegal migrant) if he possesses the following qualifications: (a) that he is not a subject or citizen of any country where citizens of India are prevented from becoming subjects or citizens of that country by naturalisation;

(b) that, if he is a citizen of any country, he undertakes to renounce the citizenship of that country in the event of his application for Indian citizenship being accepted;

(c) that he has either resided in India or been in the service of a Government in India or partly the one and partly the other, throughout the period of twelve months immediately preceding the date of the application;

(d) that during the fourteen years immediately preceding the said period of twelve months, he has either resided in India or been in the service of a Government in India, or partly the one and partly the other, for periods amounting in the aggregate to not less than eleven years;

(e) that he is of good character;

(f) that he has an adequate knowledge of a language specified in the Eighth Schedule to the Constitution ; and

(g) that in the event of a certificate of naturalisation being granted to him, he intends to reside in India, or to enter into or continue in, service under a Government in India or under an international organisation of which India is a member or under a society, company or body of persons established in India.

However, the Government of India may waive all or any of the above conditions for naturalisation in the case of a person who has rendered distinguished service to the science, philosophy, art, literature, world peace or human progress. Every naturalised citizen must take an oath of allegiance to the Constitution of India.

5. 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 the 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).

Loss of Citizenship

The Citizenship Act (1955) prescribes three ways of losing citizenship whether acquired under the Act or prior to it under the Constitution, viz, renunciation, termination and deprivation:

By Renunciation

Any citizen of India of full age and capacity can make a declaration renouncing his Indian citizenship. Upon the registration of that declaration, that person ceases to be a citizen of India. However, if such a declaration is made during a war in which India is engaged, its registration shall be withheld by the Central Government. Further, 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 (consciously, knowingly and without duress, undue influence or compulsion) acquires the citizenship of another country, his Indian citizenship automatically terminates. This provision, however, does not apply during a war in which India is engaged.

By Deprivation

It is a compulsory termination of Indian citizenship by the Central government, if:

- (a) the citizen has obtained the citizenship by fraud:
- (b) the citizen has shown disloyalty to the Constitution of India:

(c) the citizen has unlawfully traded or communicated with the enemy during a war;

(d) the citizen has, within five years after registration or naturalisation, been imprisoned in any country for two years

(e) Citizen has been living outside India for 7 years continuously.

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