**CITIZENSHIP OF INDIA**

* The population of a State is divided into two classes-citizens and aliens.
* While citizens enjoy full civil and political rights, aliens do not enjoy of all of them.
* Citizens are members of the political community to which they belong.
* They are the people who compose the State.
* Citizenship constitutes the indispensable foundational principle of democratic polity.
* According to Webster Dictionary, a Citizen means a person owing allegiance to and entitled to the protection of a Sovereign state.

**Domicile**

* Domicile of a person is his permanent home.
* No person can be without a domicile and no person may have more than one operative domicile.
* National boundaries do not constitute a hindrance in one‘s choice of domicile.
* This implies that a person may be national of one country, but his/her domicile may be another country. Domicile denotes the connection of a person with a territorial system of law.
* In fact, citizenship is denoted by domicile and not vice-versa.
* The domicile is distinguishable from citizenship in as much as it is vitally connected with territory and not membership of the community which is at the root of the notion of citizenship.
* There is only one citizenship, which is of the Union of India, there is no separate state Citizenship.

**Indian Citizenship Act 1955**

* The Citizenship Act, 1955 that came into force with effect from **30th December 1955** deals with matters relating to the **acquisition**, **determination** and **termination** of Indian citizenship.
* It provides for the acquisition of Indian citizenship by birth, by descent, by registration and by naturalization.

1. The act has been amended by the Citizenship (Amendment) Act 1986,
2. The Citizenship (Amendment) Act 1992,
3. The Citizenship (Amendment) Act 2003, and
4. The Citizenship (Amendment) Act, 2005.

**Constitutional Rights and Privileges of Citizens of India**

* The question of citizenship became particularly important at the time of the making of our Constitution.
* Because the Constitution sought to confer certain rights and privileges upon those who were entitled to Indian citizenship while they were to be denied to 'aliens'.
* The aliens were even placed under certain disabilities.

**Thus, citizens of India have the following rights under the Constitution which aliens do not have:-**

* Article 15, - Protection from discrimination on account of religion, race, caste and gender
* Article16- Equality of opportunity in the matters of public employment
* Article19- Freedom of speech association and assembly.

**Only citizens are eligible for certain offices:-**

* such as of President, Vice-President, Judge of the Supreme Court,or of a High Court,Attorney-General, Governor of a State and Advocate-General
* The right to vote for election to the parliament and the Legislative Assembly of every State
* Right to become a Member of Parliament and of the Legislature of a State.

All the above rights are denied to aliens whether they are of a 'friendly' countries or of a ‘enemy Country’.

* The ‘enemy aliens' still suffer from a special disability; they are not entitled to the benefit of the procedural provisions relating to arrest and detention.
* An enemyalien includes not only thepeople of a Country at war with India but also Indian citizens who voluntarily reside in or trade with such a Country.

**The Constitution, however, did not intend to lay down a permanent or comprehensive law relating to citizenship in India.**

* It simply described the classes of persons who would be deemed to be the citizens of India at the date of the commencement of the Constitution.
* It left the entire law of citizenship to be regulated by some future law made by Parliament.
* Hence the Parliament enacted the Citizenship Act 1955, making detailed provisions for the **acquisition and termination of Citizenship India.**

1. **Persons who became Citizensat the commencement of the Constitution i.e. onJanuary 26, 1950.**

The following persons became citizens of India at the commencement of the Constitution

1. Every person who was born as well as domiciled in the 'territory of India'-irrespective of the nationality of his parents
2. Every person who domiciled in India', either of whose parents was born in India-irrespective of the nationality of his parents or the place of birth of such person.
3. Every person who or whose father or mother was not born in India, but who
4. Had his domicilein the 'territory of India', and
5. Had been ordinarily residing within the territory of India for not less than 5 years immediately preceding the commencement of the Constitution.

* In this case also, the nationality of the person's parents is immaterial.
* Thus, a subject of a Portuguese Settlement, residing in India for not less than 5 years immediately preceding the commencement of the Constitution, with the intention of permanently residing in India, would become a citizen of India at the commencement of the Constitution

1. A person who had migrated from Pakistan, provided

He or either of his parents or grand-parents was born in 'India as defined in the Government of India Act, 1935

1. Person who migrated from India to Pakistan after the 1st March, 1947, but had subsequently returned to India under a permit issued under the authority of the Government of India for resettlement or permanent return.
2. A person who, or any of whose parents or grand-parents was born in 'India' as defined in the Government of India Act, 1935 (as originally enacted) but who is ordinarily residing in any country outside India.

(This Provision was made for Indians living in foreign countries at the date of commencement of the Constitution.)

**B. Acquisition of Citizenship after January 26, 1950.**

The various modes of acquisition of citizenship prescribed by the Citizenship Act, 1955, are as follows:

1. **Citizenship by birth**:

Every person born in India-

1. on or after January 26, 1950, but before the 1st day of July 1987;
2. on or after 1st day of July 1987 but before the commencement of the Citizenship (Amendment) Act, 2003 and either of whose parents is a citizen of India at the time of his birth;
3. on or after the commencement of the Citizenship (Amendment) Act, 2003
4. **Citizenship by descent.**
5. Broadly speaking, a person born outside India on or after January 26, 1950, but before the 10th day of December, 1992, if his father is a citizen of India at the time of his birth; or
6. On or after the 10th day of December, 1992, if either of his parents is a citizen of India at the time of his birth shall be a citizen of India by descent.
7. **Citizenship by registration.**

Several classes of persons (who have not otherwise acquired Indian citizenship) can acquire Indian citizenship by registering themselves before the prescribed authority, e.g.,

* persons of Indian origin who are ordinarily resident in India and have been so resident for seven yearsimmediately before making the application for registration;
* persons who are married to citizens of India;
* a person of full age and capacity who has been registered as an overseas citizen of India for five years, and who has been residing in India for one year before making an application for registration.

1. **Citizenship by naturalisation.**

A foreigner not being an illegal migrant can acquire Indian citizenship, on application for naturalisation to the Government of India.

1. **Citizenship by incorporation of territory.**

If any new territory becomes a part of India, the Government of India shall specify the persons of that territory who shall be the citizens of India.

**Concept of Overseas Citizenship of India.**

* The Government of India in 2005 by amending The Citizenship Act, 1955, introduced conceptof Overseas Citizenship of India which most people mistakenly refer to as 'dual citizenship'.
* Persons of Indian Origin of certain categories who migrated from India and acquired citizenship of a foreign country, other than Pakistan and Bangladesh, are eligible to be granted an Overseas Citizenship of India on an application made in this behalf to the Central Government as long as their home country allow dual citizenship in some form or the other under their local laws.

**Loss of Indian citizenship**

The Citizenship Act, 1955, also lays down how the citizenship of India may be lost.

**It may happen in any of the three ways-**

Renunciation

Termination and

Deprivation.

1. Renunciation is a voluntary act by which a person holding the citizenship of India as well as that of another country may abjure one of them.
2. Termination shall take place by operation of law as soon as a citizen of India voluntarily acquires the citizenship of another country.
3. Deprivation is a compulsory termination of the citizenship of India, by an order of the Government of India, if it is satisfied as to the happening of certain contingencies, e.g., that Indian citizenship had been acquired by a person by fraud, or that he has shown himself to be disloyal or disaffected towards the Constitution of India.