

Citizenship Article (5-8)

How a person became citizen of INDIA
after commencement of Constitution

- A citizen is a person who enjoys full membership of the country in which he lives
- Provides a single and uniform citizenship for the entire country

Acquisition of Citizenship

The Citizenship Act of 1955

provides for 5 ways of acquiring citizenship as described below

- by Birth

Every person born in INDIA on or after 26th Jan 1950 but before 1st July 1987 shall be a citizen of INDIA by birth irrespective of the nationality of his parents

- The children of foreign diplomats posted in INDIA enemy aliens cannot acquire Indian citizenship

- by Descent

Person born outside INDIA

on or after 20th Jan 1950

but before 10th Dec 1992

are citizens of INDIA

by descent if their father was a citizen of INDIA

by at the time of their birth

- by Registration

The central govt may

on an application

registered as a citizen of INDIA any Person

if he belong to any of the following categories

- A person of Indian origin,

residing in INDIA

for 7 years

- A person of Indian origin,
who is ordinarily resident to any country or place
undivided INDIA outside
- A person,
who is married to citizens of India and
resident of INDIA
for 7 years
- Minor children of persons
who are citizen of INDIA
- A person of full age and capacity,
whose parents are registered as
citizen of INDIA
- by Naturalization
It can be acquired by a foreigner
who has resided in INDIA for 12 years
- by Incorporation of Territory
(Foreign Territory)
if any new territory becomes a part of INDIA
the Govt of INDIA specifies the people of that
territory to be citizens of INDIA
such persons become the citizens of INDIA
from the notified date

Loss of Citizenship

The citizenship Act 1955, also provides three modes of losing citizenship

1. by Renunciation

If a person gives up his Indian Citizenship

2. by Termination

When an Indian citizen voluntarily acquires the citizenship of another country his Indian citizenship automatically terminates

3. by Deprivation

Deprivation of citizenship by the Govt of INDIA on the basis of acquisition of citizenship by fraud helping an enemy during a war or being disloyal to the constitution

Overseas citizens of INDIA (OCI)

Citizen Act has been amended in 2003 by which people of Indian origin of 16 specified countries except PAK & BANGLA will become eligible to be registered as the Overseas citizens of INDIA (OCI)

-OCI are entitled to some benefits like

3

multiple entry

multipurpose life long visa

they can live and work in INDIA or their country of naturalization

- They are not entitled to hold

constitutional posts and employment in the Govt offices

and they can't vote

- All persons of Indian Origin

PIO card holders are deemed to be overseas citizen of India (OCI) card holders

with effect from

9th Jan 2015

The Citizenship (Amendment Act, 2019)

It amends the citizenship Act, 1955

The Amended Act provides that the

Hindus

Sikhs

Buddhists

Jains

Parsis & Christians from Afghanistan,

BAH & PAK

who entered India on or before 31st Dec 2014, will not be treated as illegal migrants and will be eligible for grant of citizenship

It also reduces the period of naturalization for such group of person from 11 years to 5 years

Directive Principles of State Policy

The directive principle of state policy are enumerated in Part-IV of the constitution from Article 36 to 51.

DR Ambedkar,

described these principles as moral feature of the constitution

The DPSP along with, Fundamental Rights contains the philosophy of the constitution and is the soul of the constitution

Features

These are constitutional instructions to the state in legislative executive and administrative matters

It resembles the
Instrument of Instruction enumerated in the
Govt of INDIA Act
of 1935

They constitutes the
comprehensive economic,
social & political programme for a modern state

- They promote social and economic democracy

They embody the concept
of a welfare state

- These are the fundamentals
in the governance of the country

- They are non-justiciable

- They apply to both

Union and State Govt

and all other authorities coming under the def of
state

Classification

The Constitution

does not contain any classification of directive
principles

However,

On the basis of their content and direction,
they can be classified into three broad categories
socialistic

Grandhian and liberal-intellectual

Socialistic Principles:-

These principles

reflect the ideology of socialism

They lay down the framework of a democratic
socialist state

aim at providing social and economic justice and set
the path towards Welfare state

Article 38

To promote the welfare of the people
by securing a social order

presented by Justice social,

economic and political and to minimize

inequalities in income,

status,

facilities & opportunities

To secure

- a) The right to adequate means of livelihood for all citizens
- b) The equitable distribution of material resources of the community of the common good.
- c) Prevention of Concentration of wealth and means of production
- d) Equal pay for equal work for men and women
- e) Preservation of the health and strength of workers and children against forcible abuse, and
- f) opportunity for healthy development of children

Article 39(A)

To promote equal justice and to provide free legal aid to the poor

Article 41

To secure the right to work,
education and to public assistance
in cases of unemployment,
old age,
sickness & disablement

Article 42

To make
provision for just and humane conditions
for work and maternity relief

Article 43

To secure a living wage,
a decent standard of life and social and cultural
opportunities
for all workers

Article 43(A)

To take steps
to secure the participation of workers
in the management of industries

To raise
the level of nutrition and the standard of living of
people
and to improve public health

Grandhian Principles:

These Principles are based on Grandhian ideology

They represent the programme of
reconstruction enunciated by Grandhi

In order to fulfil the dreams of Grandhi

some of the ideas were
included as Directive Principles

Article 40

To organize Village,
Panchayat in function as
unit of self Govt

Article 43

To promote Cottage industries
on an individual or co-operation
basis in rural areas

Article 46

To promote the educational and economic interests of SC, ST and other weaker section of the society and to protect them from social injustice and exploitation

Article 49

To prohibit the consumption of intoxicating drinks and drugs which are injurious to health

Article 48

To prohibit the slaughter of cows, calves and other milch and draught cattle and to improve their breeds

Liberal-Intellectual Principles

The principle included in this category represent the ideology of liberalism

Article 44

To secure for all citizens a uniform civil code throughout the country

Article 45

To provide early childhood care and education for all children until they complete the age of 6 years

Article 48

To organize agriculture and Animal husbandry
on modern and scientific lines

Article 48(A)

To protect and improve the environment
and to safeguard forests and wildlife

Article 49

To protect objects,
places and monuments of historic
interests
and national importance

Article 50

To separate the judiciary
from the executive to the public services of the
state

Article 51

To promote international peace and security
and to maintain just and honourable relations b/w
nations
to foster respect for international law and
treaty obligations

and to encourage settlement of international disputes by arbitration

New Directive Principles:-

Article 39A

To provide free legal aid to the poor

(42nd Amendment Act, 1976)

Article 39(f)

To secure opp

for healthy development of children

(42nd Amendment Act, 1976)

Article 43A

To take steps to secure the participation of workers in the management of Industries

(42nd Amendment Act, 1976)

Article 43B

To promote professionally run co-operative societies

added by the 97th Constitutional Amendment Act, 2011

To protect and improve the environment and
to safeguard forests and wild life

(42nd Amendment Act, 1976)

Article 38(2)

It added one more Directive principle,
which required the state to minimize
inequalities in income status,
facilities and opportunities

Under Article 38

(44th Amendment Act, 1978)

Article 45

To provide early childhood care & education
for all children till they complete the age of 6 years

(The 86th Amendment Act, 2002).