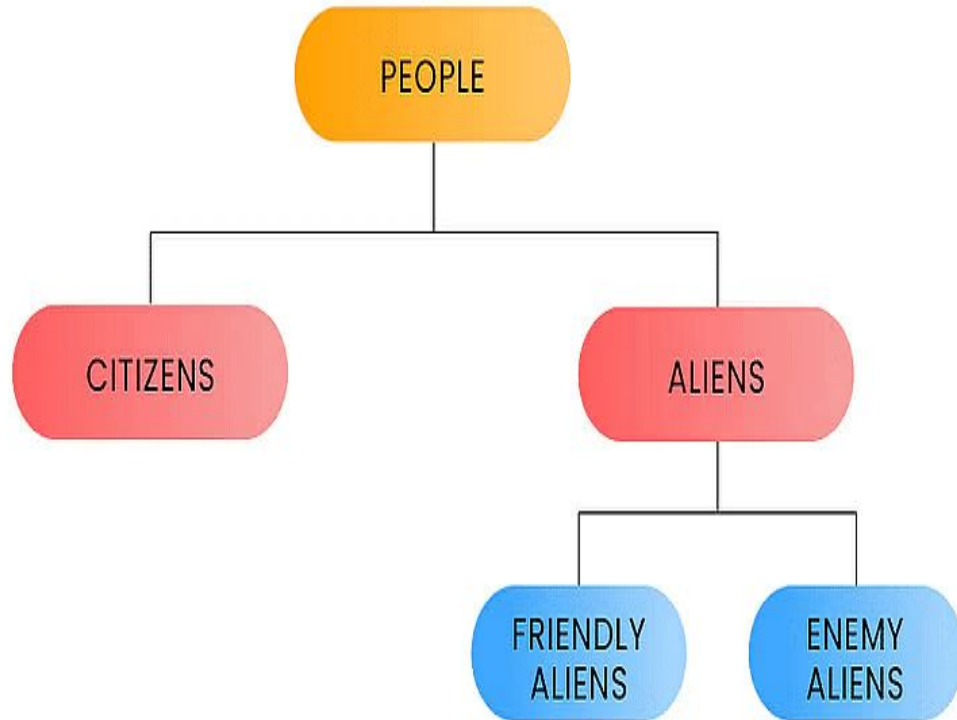


Citizenship in India:

Citizenship is a legal recognition of an individual's full membership in a sovereign state. In India, the Constitution's **Articles 5-11** address citizenship, making citizens integral members of the state with civil and political rights.



Citizens and Aliens: India's population is divided into citizens and aliens.

Citizen Rights: Citizens enjoy full civil and political rights.

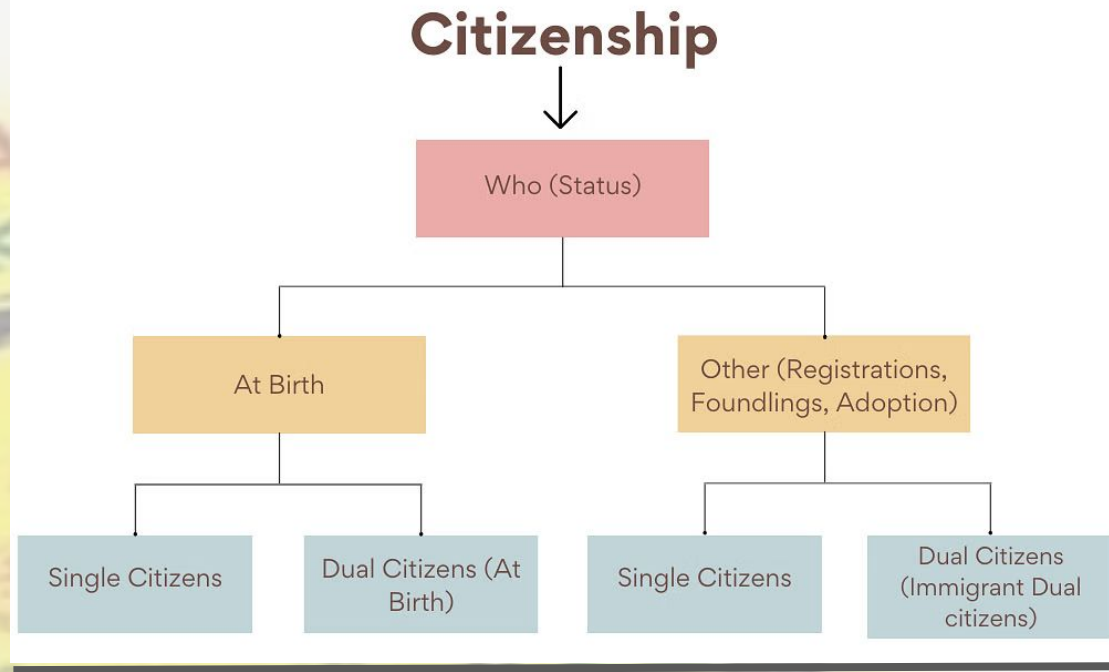
Alien Distinctions: Aliens, which include both friendly and enemy aliens, have fewer rights.

Restrictions on Enemy Aliens: Enemy aliens face additional limitations under Art. 22.

Integral to the State: Citizens are an essential part of the state's political community.

Citizens also owe certain duties towards the Indian State - **paying taxes, respecting the national flag & national-anthem, defending the country inter alia.**

1. **India**, with its **federal constitution**, maintains **single citizenship** across the country, unlike federal states like the **USA** and **Switzerland**, which have dual citizenship.
2. The **Constitution and the Citizenship Act of 1955** provide the framework for citizenship.
 - It contains **no permanent or extensive provisions, only identifying individuals who became Indian citizens on January 26, 1950.**
 - It **does not cover the acquisition or loss of citizenship** after that date, delegating authority to Parliament to enact laws on these matters.
3. Detailed provisions in **Articles 5-11 of Part II of the Constitution**, along with subsequent amendments by Parliament, govern citizenship acquisition and termination.



4. On January 26, 1950, the following four categories of individuals automatically became Indian citizens.

- Persons domiciled in India.
- Persons who migrated from Pakistan.
- Persons who migrated to Pakistan but later returned to India.
- Persons of Indian origin residing outside India.

5. Additional Provisions:

- No person shall be a citizen of India or be deemed to be a citizen of India, if he has voluntarily acquired the citizenship of any foreign state.
- Parliament holds the authority to enact laws regarding the acquisition and termination of citizenship, as well as all citizenship-related matters.

NOTE



- In India both a citizen by birth as well as a naturalised citizen are **eligible for the office of President** while in **USA**, only a citizen by birth and not a naturalised citizen is eligible for the office of President.
- Citizens alone can vote in elections and become MP's & MLA's
- Citizens enjoy certain rights exclusive to them, such as specific **Fundamental Rights (Art 15, 16, 19)**.

Constitutional Provisions, which deal with the concept of citizenship:

(a) Article 5 - Citizenship at the Commencement of the Constitution:

- Every person with domicile in India, born in India, or with parents born in India, or who has been resident in India for **at least five years** at the **Constitution's commencement**, is an Indian citizen.

(b) Article 6 - Rights of Citizenship for Migrants from Pakistan:

- Those who migrated to India from the territory that is now part of Pakistan are deemed Indian citizens at the Constitution's commencement if they meet certain criteria.
- This includes being born in India, having migrated before July 19, 1948, and being resident in India since migration.
- For those who migrated on or after July 19, 1948, they must have been registered as Indian citizens by the Dominion of India.

(c) Article 7 - Rights of Citizenship for Migrants to Pakistan:

- Persons who migrated from India to the territory now included in Pakistan after March 1, 1947, are not considered Indian citizens.
- However, those who returned to India under a resettlement permit are an exception and are treated as migrants after July 19, 1948.

(d) Article 8 - Rights of Citizenship for Persons of Indian Origin Residing Abroad:

- Those with Indian origin, including parents or grandparents born in pre-independence India, are deemed Indian citizens.
- This applies to individuals ordinarily residing outside India.
- Such individuals can be registered as Indian citizens through diplomatic or consular representatives.

(e) Article 9 - Acquiring Foreign Citizenship:

- If a person voluntarily acquires foreign citizenship, they will not be considered Indian citizens under Article 5, or deemed citizens under Articles 6 and 8.

(f) Article 10 - Continuance of Citizenship Rights:

- Anyone who qualifies as an Indian citizen according to the previous articles shall continue to be a citizen.
- Parliament can enact laws regarding citizenship.

(g) Article 11 - Parliament's Authority on Citizenship:

- Parliament has the power to make provisions regarding the acquisition and termination of citizenship and all matters related to citizenship.

Indian Citizenship Acquisition Simplified:

1. Introduction:

- Part II of the Constitution outlines classes of persons in India.
- Legislation by Parliament governs citizenship, enacted as the Indian Citizenship Act, 1955.

2. Modes of Acquisition:

- Five ways to acquire Indian citizenship: **birth, descent, registration, naturalization, incorporation of territory.**

3. By Birth (Jus Soli):

- Every person born in India after 26 January 1950 is a citizen if either/both parents are Indian citizens at the time.
- Exceptions: Excludes children of diplomats or if the father is an enemy alien.

4. By Descent (Jus Sanguine):

- Persons born outside India after January 26, 1950, are citizens if either parent is an Indian citizen at the time of their birth.

5. By Registration:

- Eligibility for registration includes:
 - Persons of Indian origin residing in India for 5 years.
 - Persons of Indian origin residing outside India.
 - Women married to Indian citizens.

6. By Naturalization:

- Qualifications for naturalization:
 - Full age and capacity.
 - Not a citizen where Indian citizens are barred.
 - Renounced citizenship of another country.
 - Resided in India or served in Government for specified periods.
 - Oath of allegiance, good character, and knowledge of a recognized language.

7. By Incorporation of Territories:

- If a new territory joins India through popular verdict, its residents are specified as Indian citizens by the Government.

Modes of Acquiring Indian citizenship

Naturalisation

Descent

Birth

Registration

Termination of Citizenship

Renunciation

Termination

Deprivation

Modes of Termination of Indian Citizenship:

1. Introduction: The Citizenship Act of 1955 outlines three ways an Indian citizen may lose citizenship: renunciation, termination, and deprivation.

2. Renunciation:

- **Definition:** A voluntary act where a person, after acquiring citizenship in another country, willingly gives up Indian citizenship.
- **Conditions Apply:** Subject to specific conditions.

3. Termination:

- **Definition:** Occurs automatically when an Indian citizen voluntarily acquires citizenship in another country.
- **Operational:** Takes place by operation of law.

4. Deprivation:

- **Definition:** Compulsory termination of Indian citizenship acquired through registration or naturalization.
- **Authority:** Executed by the Government of India.
- **Reasons:** Grounds include fraudulent means used to obtain citizenship.

Constitutional Rights and Privileges for Citizens of India

1. Right Against Discrimination (Article 15):
 - Protection from discrimination based on religion, race, caste, sex, or place of birth.
2. Equality of Opportunity in Public Employment (Article 16):
 - Ensures equality in opportunities for public employment.
3. Freedom of Speech and Expression, Assembly, Association, Movement, Residence, and Profession (Article 19):
 - Guarantees fundamental freedoms, including speech, assembly, and profession.
4. Cultural and Educational Rights (Articles 29 and 30):
 - Safeguards the rights of minorities to conserve their culture, language, and education.
5. Right to Vote and Contest Elections:
 - Allows citizens to participate in the democratic process by voting and contesting elections.
6. Eligibility for Public Offices:
 - Citizens, whether by birth or naturalization, can hold key public offices:
 - President of India
 - Vice-President of India
 - Judges of the Supreme Court and high courts
 - Governor of states
 - Attorney General of India
 - Advocate General of states.

Note: Citizens by both birth and naturalization are eligible for the office of President.

Fundamental rights available only to citizens and not to foreigners

Article 15: Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

Article 16: Equality of opportunity in matters of public employment.

Article 19: Protection of six rights regarding freedom of (speech and expression, (ii) assembly (iii) association, (iv) movement (v) residence and profession.

Article 29: Protection of language, script and culture of minorities.

Article 30: Right of minorities to establish and administer educational institutions.

Fundamental rights available to both citizens & foreigners (except enemy aliens)

Article 14: Equality before law and equal protection of laws.

Article 20: Protection in respect of conviction for offences.

Article 21: Protection of life and personal liberty.

Article 21A: Right to elementary education.

Article 22: Protection against arrest and detention in certain cases.

Article 23: Prohibition of traffic and human beings and forced labour.

Article 24: Prohibition of employment of children in factories etc.

Article 25: Freedom of conscience and free profession, practice and propagation of religion.

Article 26: Freedom to manage religious affairs.

Article 27: Freedom from payment of taxes for promotion of any religion.

Article 28: Freedom from attending religious instruction or worship in certain educational institutions.

A PERSON OF INDIAN ORIGIN (PIO)

PIO VS OCI

OVERSEAS CITIZEN OF INDIA (OCI)

- Means a **foreign citizen** (except a national of Pakistan, Afghanistan, Bangladesh, China, Iran, Bhutan, Sri Lanka and Nepal)
- A **foreign citizen** whose **one of the parents/ grandparents/ great grandparents** was **born** and a **permanent resident** of India
- Who is a **spouse** of a citizen of India or a PIO

BENEFITS

1. PIO card holders **do not require a visa to visit India** for a period of 15 years from the date of issue of the PIO card.
2. They are **exempted from registration at FRRO/ FRO** if their **stay does not exceed 180 days**. In case if the stay exceeds 180 days, they shall have to register with FRRO/ FRO within the next 30 days
3. They **enjoy parity with NRIs** in **economic, financial and educational benefits**
4. All **future benefits** that **would be exempted to NRIs** would also be available to the **PIO card holders**

A **foreign national**, who was **eligible to become citizen of India on 26.01.1950** or was a citizen of India on or at anytime after **26.01.1950** or belonged to a territory that became part of India after **15.08.1947** is **eligible for registration as Overseas Citizen of India (OCI)**. Minor children of such person are also eligible for OCI. However, if the applicant had ever been a citizen of Pakistan or Bangladesh, he/she will not be eligible for OCI.

BENEFITS

- OCIs are **entitled to a multipurpose, multiple entry, lifelong visa** allowing them to visit India at any time, for any length of time and for any purpose
- **Exempted from police reporting** for any length of stay in the country
 - **Have also been granted all rights in the economic, financial and education fields in parity with NRIs** except, the right to acquisition of agricultural or plantation properties



SR. NO.	ELEMENTS OF COMPARISON	NRI	PIO (PERSON OF INDIAN ORIGIN)	OVERSEAS CITIZEN OF INDIA CARDHOLDER
1.	Who?	An Indian citizen who is ordinarily residing outside India and holds an Indian Passport	A person who or whose any of ancestors was an Indian national and who is presently holding another country's citizenship / nationality i.e. he/she is holding foreign passport	A person registered as Overseas Citizen of India (OCI) Cardholder under the Citizenship Act, 1955
2.	Who is eligible?	-	-	Refer (1) Registration of OCI Cardholder
3.	How can one get?	-	-	Eligible persons to apply
4.	Where to apply?	-	-	<p>Till such time the online payment facility is introduced, the following instructions shall be followed:-</p> <p>(i) The print out of the online application form, completed in all respects, along with enclosures, demand draft and photograph in duplicate should be submitted to the Indian Mission/Post having jurisdiction over the country of which the applicant is a citizen or if he/she is not living in the country of his/her citizenship, to the Indian Mission/Post having jurisdiction over the country of which the applicant is ordinarily a resident</p>



7.	What benefits one is entitled to?	All benefits as available to Indian citizens subject to notifications issued by the Government from time to time	No specific benefits	Refer (II) Conferment of Rights to OCI Cardholder
8.	Does s/he require visa for visiting India?	No	Yes	Can visit India without visa for life long
9.	Is he/she required to register with the local police authorities in India?	No	Yes if the period of stay is for more than 180 days	No
10.	What activities can be undertaken in India?	All Activities	Activity as per the type of visa obtained	All activities except researchwork for which special permission is required from the Indian Mission/Post/ FRRO concerned.
11.	How can one acquire Indian citizenship?	He/she is an Indian citizen	As per the Citizenship Act(1955), S/he has to be an ordinary resident in India for a period of 7yrs before making an application of registration	As per the Citizenship Act(1955), a person designated as an OCI cardholder for 5yrs and who is an ordinary resident in India for 12 months before making an application of registration is eligible for grant of Indian Citizenship

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Overseas Citizenship of India (OCI) Scheme:

1. Introduction:

- OCI scheme introduced in August 2005 as an amendment to the Citizenship Act, 1955.
- Aimed to **address the demand for dual citizenship among the Indian diaspora.**

2. Background and Evolution:

- Earlier distinction between Person of Indian Origin (PIO) and OCI.
- PIO benefits merged with OCI under the Citizenship (Amendment) Act, 2015.

3. OCI Card:

- **Launched officially in 2006** at the Pravasi Bharatiya Divas convention.
- Individuals of Indian origin holding foreign passports can obtain OCI status.

5. Key Provisions of OCI:

- **Defined as a person** with foreign citizenship but Indian ancestry.
- Multi-purpose, lifelong visas granted to registered OCI cardholders.
- Exemption from Foreign Regional Registration Officer (FRRO) registration.

6. Modes of Acquisition:

- Registration available for those who were Indian citizens post-1950 or eligible.
- Minors, spouses, and certain categories eligible for registration.

7. Rights and Limitations:

- Entitled to specific rights as per Central Government.
- Excluded from certain political rights like public employment, presidency, and more.

8. Benefits for OCI Cardholders:

- Multiple entry lifelong visa.
- Exemption from FRRO registration.
- Parity with Non-Resident Indians (NRIs) in economic, financial, and educational fields.

9. Renunciation and Cancellation:

- OCI cardholder can renounce the card voluntarily.
- Cancellation by the Central Government for specified reasons, including fraud or disaffection.

10. Significance and Eligibility:

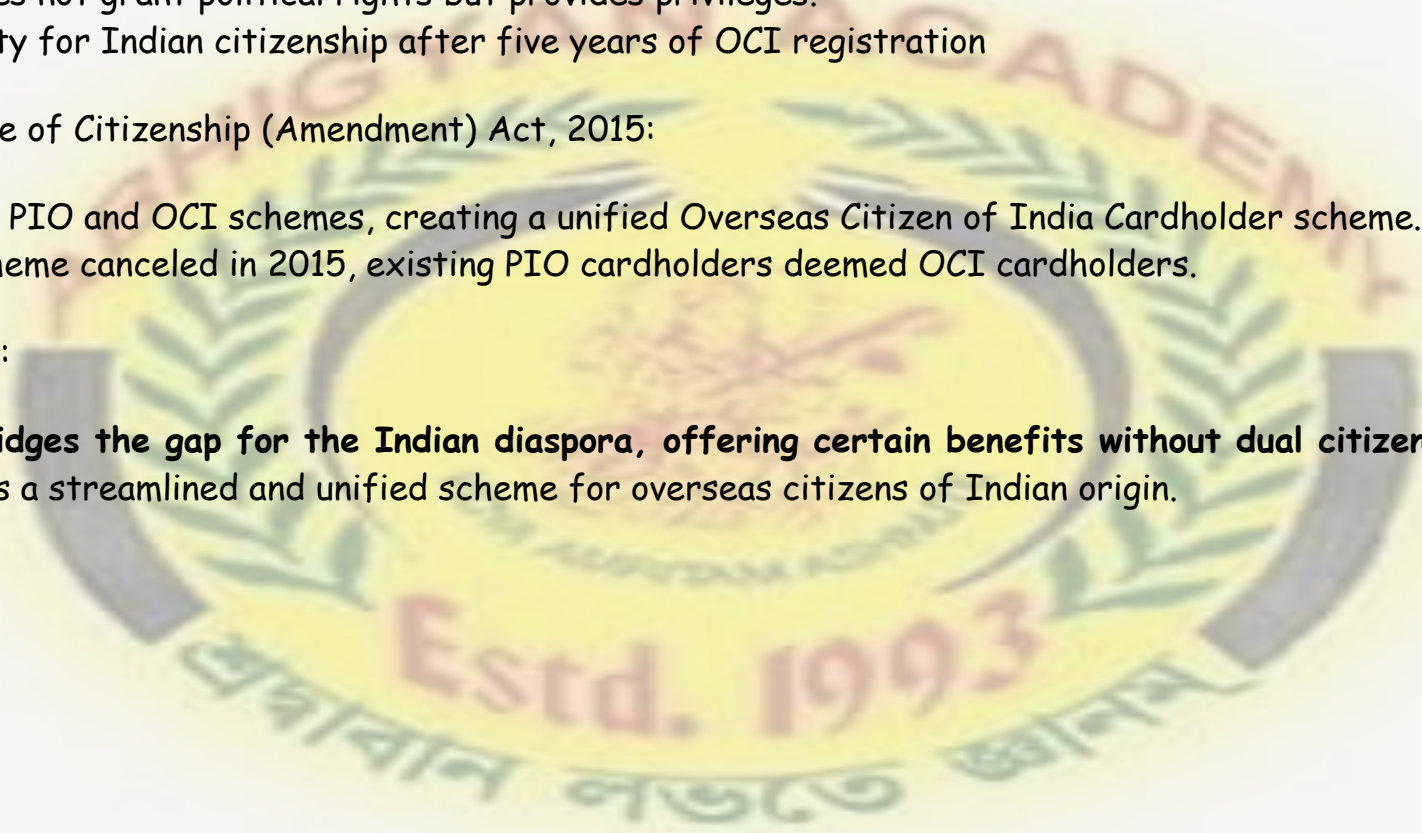
- OCI does not grant political rights but provides privileges.
- Eligibility for Indian citizenship after five years of OCI registration

11. Importance of Citizenship (Amendment) Act, 2015:

- Merged PIO and OCI schemes, creating a unified Overseas Citizen of India Cardholder scheme.
- PIO scheme canceled in 2015, existing PIO cardholders deemed OCI cardholders.

12. Conclusion:

- **OCI bridges the gap for the Indian diaspora, offering certain benefits without dual citizenship.**
- Provides a streamlined and unified scheme for overseas citizens of Indian origin.



Citizenship (Amendment) Bill 2019 Overview:

Amendment Proposals:

- Permits Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians from Pakistan, Bangladesh, and Afghanistan to live in India.
- Entry before December 14, 2014, required for eligibility.
- Citizenship requirement reduced from 11 to 6 years.

Community Exemptions:

- Communities include those facing religious persecution: Hindus, Buddhists, etc.
- Exemptions from Passport Act and Foreigners Act for eligible migrants.

Protests in Assam:

- Opposition in Assam due to concerns about granting citizenship to Bangladeshi Hindu illegal migrants.
- Fear of demographic impact and potential social issues.

Justification for the Bill:

- Grounded in the claim that religious minorities face persecution in neighboring countries.
- Hindus and Buddhists cited as minorities in Bangladesh, justifying their refuge in India.

Assam's Unique Scenario:

- History of large-scale illegal migration, leading to the Assam Movement (1979-1985).
- Demand for updating the National Register of Citizens (NRC) and deporting illegal migrants.

Assam Accord (1985):

- Resulted from the Assam Movement, set March 25, 1971, as the cut-off date for deporting illegal migrants.
- Section 6A introduced to the Citizenship Act, 1955, applicable only to Assam.

Section 6A Provisions:

- Deems persons of Indian origin in Assam, residing before January 1, 1966, as Indian citizens.
- Those arriving between January 1, 1966, and March 25, 1971, gain citizenship after 10 years from detection as foreigners.

Legal Challenge (Assam Sanmilita Mahasangha, 2014):

- Challenge to the constitutionality of the 1986 amendment and the cut-off year for Assam.
- Constitutionality of Section 6A pending examination by a five-judge Bench of the Supreme Court.

Ongoing NRC Implications:

- Section 6A forms the legal basis for the current NRC in Assam.
- Constitutionality of Section 6A yet to be determined.

Conclusion: The Citizenship (Amendment) Bill 2019, while addressing concerns of persecuted minorities, raises complex issues in the context of Assam's history and unique demographic challenges. Ongoing legal scrutiny will determine its constitutional validity.

