

Article 6

Rights of citizenship of certain persons who have migrated to India from Pakistan

Came into effect in 26 January 1950

Notwithstanding anything in article 5, a person who has migrated to the territory of India from the territory now included in Pakistan shall be deemed to be a citizen of India at the commencement of this Constitution if—

- [\(a\)](#) he or either of his parents or any of his grand-parents was born in India as defined in the Government of India Act, 1935 (as originally enacted); and
- [\(b\)](#) (i) in the case where such person has so migrated before the nineteenth day of July, 1948, he has been ordinarily resident in the territory of India since the date of his migration, or

(ii) in the case where such person has so migrated on or after the nineteenth day of July, 1948, he has been registered as a citizen of India by an officer appointed in that behalf by the Government of the Dominion of India on an application made by him therefore to such officer before the commencement of this Constitution in the form and manner prescribed by that Government: Provided that no person shall be so registered unless he has been resident in the territory of India for at least six months immediately preceding the date of his application.

Definition of Certain Persons:

Article 6 applies to individuals who migrated to India from the territories that became part of Pakistan following the partition of British India in 1947. These

individuals, commonly referred to as "migrants," were displaced due to the partition and chose to settle in India.

Conditions for Citizenship:

Article 6 outlines the conditions under which these migrants could acquire Indian citizenship at the commencement of the Constitution. To qualify for citizenship under this provision, the person must have migrated from Pakistan to India on or after March 1, 1947, and must have been residing in India at the time of the commencement of the Constitution (January 26, 1950).

Registration:

Individuals meeting the criteria specified in Article 6 were entitled to register themselves as citizens of India with the authorities designated for this purpose. The registration process facilitated the formal acquisition of Indian citizenship for eligible migrants.

Exception for Assam:

Article 6 includes a specific exception for the state of Assam. It states that the provisions regarding citizenship rights for migrants from Pakistan do not apply to individuals who, before July 19, 1948, have migrated from Pakistan to Assam.

Importance:

Article 6 addresses the citizenship status of individuals who migrated from Pakistan to India during the partition period and were residing in India at the time of the Constitution's commencement. It recognizes their right to Indian citizenship and provides a legal framework for their formal inclusion as citizens of India.

Historical Context:

The enactment of Article 6 reflects the humanitarian and political considerations surrounding the partition of British India and the displacement of millions of people across the newly formed borders of India and Pakistan. It acknowledges the circumstances of those who chose to settle in India following the partition and seeks to ensure their integration into the Indian polity.

Example:

One significant historical example related to Article 6 of the Indian Constitution is the process of granting citizenship to individuals who migrated to India from Pakistan during the partition of British India in 1947. While there may not be specific court cases directly involving Article 6, the principles outlined in this article have been instrumental in guiding the legal and administrative procedures for granting citizenship to such migrants.

During the partition, millions of people were displaced, and many chose to migrate to India from territories that became part of Pakistan. Article 6 provided a legal framework for these migrants to acquire Indian citizenship if they fulfilled certain conditions, such as having migrated to India from Pakistan on or after March 1, 1947, and being resident in India at the time of the Constitution's commencement on January 26, 1950.

The implementation of Article 6 involved administrative processes for registering eligible migrants as Indian citizens. Government authorities were responsible for verifying the eligibility criteria outlined in the article and facilitating the registration of migrants who met these criteria.

Uses of this article:

Article 6 of the Indian Constitution is very specific to a particular situation and wouldn't be used in court cases today. It deals with determining citizenship rights for migrants from Pakistan during the partition in 1947.

Here's why Article 6 wouldn't be used in contemporary court cases:

- **Limited Scope:**

The article only applies to individuals who migrated from Pakistan to India during a specific period (pre-July 1948 or post-July 1948 with registration).

- **Situational Context:**

This article was a legal response to a historical event (partition) and wouldn't be relevant to current migration scenarios.

However, Article 6 might be referenced in historical legal cases related to citizenship disputes arising from the partition. It could serve as a historical precedent to understand the legal reasoning behind citizenship rights granted to specific migrants during that period.

For current citizenship disputes in Indian courts, other articles of the Constitution (like Article 11) or relevant legislation (like The Citizenship Act, 1955) would be the applicable legal framework