

Article 8

Rights of citizenship of certain persons of Indian origin residing outside India

Adopted on: 26 January 1950

Came into effect: 20 February 1952

Notwithstanding anything in article 5, any person who or either of whose parents or any of whose grand-parents was born in India as defined in the Government of India Act, 1935 (as originally enacted), and who is ordinarily residing in any country outside India as so defined shall be deemed to be a citizen of India if he has been registered as a citizen of India by the diplomatic or consular representative of India in the country where he is for the time being residing on an application made by him therefore to such diplomatic or consular representative, whether before or after the commencement of this Constitution, in the form and manner prescribed by the Government of the Dominion of India or the Government of India.

In simple terms:

Basically, if you, your parents, or your grandparents were born in India before the country's independence, and you currently live in another country, you can be considered an Indian citizen. This is as long as you've been officially registered as an Indian citizen by an Indian embassy or consulate in the country where you live. You can apply for this registration before or after India's Constitution came into effect, following the rules set by the Indian government.

Scope of Application:

Article 8 applies to individuals who, along with their parents or grandparents, were born in India as defined in the Government of India Act, 1935 (as originally enacted), and are currently residing in any country outside India.

Deemed Citizenship:

According to Article 8, such individuals shall be deemed to be citizens of India if they fulfill the following conditions:

- They have been registered as citizens of India by an Indian diplomatic or consular representative in the country where they currently reside.
- They submit an application for citizenship in the prescribed form and manner to the Indian diplomatic or consular representative, whether before or after the commencement of the Indian Constitution.

Historical Context:

Article 8 addresses the citizenship status of individuals of Indian origin who migrated or were born in India before independence but are currently residing outside India. It recognizes their ancestral ties to India and provides a pathway for them to claim Indian citizenship.

- **Colonial Rule:**
India was under British colonial rule for nearly two centuries until gaining independence in 1947. During this period, India served as a British colony, and its people were subjects of the British Empire. The Government of India Act, 1935, was a significant piece of legislation enacted by the British Parliament to govern British India's administration.
- **Partition and Migration:**
The partition of British India in 1947 resulted in the creation of two separate nations, India and Pakistan, along religious lines. The partition led to significant population exchanges and mass migration, with millions of people migrating between the two newly formed countries. Many individuals of Indian origin migrated to countries across the globe during this period, seeking new opportunities and livelihoods.

Registration Process:

To acquire Indian citizenship under Article 8, individuals must follow the registration process prescribed by the Indian government. This typically involves submitting an application to the Indian embassy or consulate in the country of residence, providing relevant documentation, and fulfilling any additional requirements specified by the authorities.

Importance:

Article 8 acknowledges the diaspora of individuals of Indian origin living outside India and seeks to maintain their connection to their ancestral homeland. It reflects the inclusive approach of the Indian Constitution towards citizenship and recognizes the diverse cultural and historical ties that bind people of Indian origin across the globe.

Legal Framework:

The provisions of Article 8 are supplemented by rules and regulations enacted by the Indian government to govern the registration process for overseas citizens of India. These rules outline the eligibility criteria, application procedures, and other administrative aspects related to the acquisition of Indian citizenship by individuals covered under Article 8.

Examples:

- **Eligibility Criteria:**

The individual meets the eligibility criteria specified in Article 8 as they were born in India as defined in the Government of India Act, 1935, and are currently residing outside India.

- **Registration Process:**

The individual submits an application for registration as an Indian citizen to the Indian diplomatic or consular representative in their country of residence. They provide the necessary documentation and fulfill the procedural requirements prescribed by the Indian government.

- **Grant of Citizenship:**

Upon verification of the application and supporting documents, the Indian embassy or consulate registers the individual as an Indian citizen in accordance with Article 8 of the Indian Constitution. The individual is issued a certificate of Indian citizenship, thereby formalizing their status as an Indian citizen.

Scenario where this article may be used:

A person was born in India in 1970, within the territorial boundaries defined by the Government of India Act, 1935. Their parents were also born in India, and their grandparents lived in India during the colonial period. However, due to economic opportunities, the person's family migrated to the United States in the early 1980s when they were still a child. Growing up in the United States, they completed their education and established a successful career there.

As they grew older, they developed a strong desire to reconnect with their Indian heritage and explore their cultural roots. They felt a deep connection to India and wanted to contribute to the country's development. Additionally, they wished to travel to India more frequently to visit family members and participate in cultural and social events.

Applying for Indian citizenship, they submit their application along with supporting documents, including their birth certificate, their parents' birth certificates, and any other relevant documentation, to the Indian embassy or consulate in the United States. Upon verification of the documents, the Indian embassy or consulate processes their application for registration as an Indian citizen, considering their eligibility under Article 8 of the Indian Constitution.