

THE CITIZENSHIP ACT, 1955

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title.
2. Interpretation.

ACQUISITION OF CITIZENSHIP

3. Citizenship by birth.
4. Citizenship by descent.
5. Citizenship by registration.
6. Citizenship by naturalization.
- 6A. Special provisions as to citizenship of persons covered by the Assam Accord.
- 6B. Special provisions as to citizenship of person covered by proviso to clause (b) of sub-section (1) of section 2.
7. Citizenship by incorporation of territory.

OVERSEAS CITIZENSHIP

- 7A. Registration of Overseas Citizen of India Cardholder.
- 7B. Conferment of rights on Overseas Citizen of India Cardholder.
- 7C. Renunciation of Overseas Citizen of India Card.
- 7D. Cancellation of registration as Overseas Citizen of India Cardholder.

TERMINATION OF CITIZENSHIP

8. Renunciation of citizenship.
9. Termination of citizenship.
10. Deprivation of citizenship.

SUPPLEMENTAL

11. [*Omitted.*].
12. [*Omitted.*].
13. Certificate of Citizenship in case of doubt.
14. Disposal of application under sections 5, 6 and 7A.
- 14A. Issue of national identity cards.
15. Revision.
- 15A. Review.
16. Delegation of powers.
17. Offences.

SECTIONS

18. Power to make rules.

19. [*Repealed.*].

[THE FIRST SCHEDULE.] [*Omitted.*].

THE SECOND SCHEDULE.

THE THIRD SCHEDULE.

[THE FOURTH SCHEDULE.] [*Omitted.*].

THE CITIZENSHIP ACT, 1955

ACT No. 57 OF 1955¹

[30th December, 1955.]

An Act to provide for the acquisition and determination of Indian citizenship.

BE it enacted by Parliament in the Sixth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Citizenship Act, 1955.

2. Interpretation.—(1) In this Act, unless the context otherwise requires,—

(a) “a Government in India” means the Central Government or a State Government.

²[(b) “illegal migrant” means a foreigner who has entered into India—

(i) without a valid passport or other travel documents and such other document or authority as may be prescribed by or under any law in that behalf; or

(ii) with a valid passport or other travel documents and such other document or authority as may be prescribed by or under any law in that behalf but remains therein beyond the permitted period of time;]

³[Provided that any person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan, who entered into India on or before the 31st day of December, 2014 and who has been exempted by the Central Government by or under clause (c) of sub-section (2) of section 3 of the Passport (Entry into India) Act, 1920 (34 of 1920) or from the application of the provisions of the Foreigners Act, 1946 (31 of 1946) or any rule or order made there under, shall not be treated as illegal migrant for the purposes of this Act;]

(d) “Indian consulate” means the office of any consular officer of the Government of India where a register of births is kept, or where there is no such office, such office as may be prescribed;

(e) “minor” means a person who has not attained the age of eighteen years;

⁴[(ee) “Overseas Citizen of India Cardholder” means a person registered as an Overseas Citizen of India Cardholder by the Central Government under section 7A;]

(f) “person” does not include any company or association or body of individuals, whether incorporated or not;

(g) “prescribed” means prescribed by rules made under this Act;

⁵* * * * *

(h) “undivided India” means India as defined in the Government of India Act, 1935, as originally enacted.

(2) For the purposes of this Act, a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(3) Any reference in this Act to the status or description of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the status or description of the father at the time of the father's death; and where that death occurred

1. This Act has been extended to the Union territory of Dadra and Nagar haveli, *vide* Notification No. S.O. 846, dated 17-3-1962, Gazette of India, Extraordinary, Part II, sec. 3(ii), page 517. The Union territory of Goa, Daman and Diu *vide* Notification No. S.O. 847, dated 17-3-1962, *see ibid.*, and to Pondicherry with modification *vide* Notification No. G.S.R. 1557, dated 24-11-1962, Gazette of India, Part II, section 3(i).

2. Subs. by Act 6 of 2004, s. 2, for clauses (b) and (c) (w.e.f. 3-12-2004).

3. Ins. by Act 47 of 2019, s. 2 (w.e.f. 10-1-2020).

4. Subs. by Act 1 of 2015, s. 2, for clause (ee) (w.e.f. 6-1-2015).

5. Omitted by Act 32 of 2005, s. 2 (w.e.f. 28-6-2005).

before, and the birth occurs after, the commencement of this Act, the status or description which would have been applicable to the father had he died after the commencement of this Act shall be deemed to be the status or description applicable to him at the time of his death.

(4) For the purposes of this Act, a person shall be deemed to be of full age if he is not a minor and of full capacity if he is not of unsound mind.

ACQUISITION OF CITIZENSHIP

¹[**3. Citizenship by birth.**—(1) Except as provided in sub-section (2), every person born in India—

(a) on or after the 26th day of January, 1950, but before the 1st day of July, 1987;

(b) on or after the 1st day of July, 1987, but before the commencement of the Citizenship (Amendment) Act, 2003 (6 of 2004) and either of whose parents is a citizen of India at the time of his birth;

(c) on or after the commencement of the Citizenship (Amendment) Act, 2003 (6 of 2004), where—

(i) both of his parents are citizens of India; or

(ii) one of whose parents is a citizen of India and the other is not an illegal migrant at the time of his birth,

shall be a citizen of India by birth.

(2) A person shall not be a citizen of India by virtue of this section if at the time of his birth—

(a) either his father or mother possesses such immunity from suits and legal process as is accorded to an envoy of a foreign sovereign power accredited to the President of India and he or she, as the case may be, is not a citizen of India; or

(b) his father or mother is an enemy alien and the birth occurs in a place then under occupation by the enemy.]

4. Citizenship by descent.—²[(1) A person born outside India shall be a citizen of India by descent,—

(a) on or after the 26th day of January, 1950, but before the 10th day of December, 1992, if his father is a citizen of India at the time of his birth; or

(b) 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:

Provided that if the father of a person referred to in clause (a) was a citizen of India by descent only, that person shall not be a citizen of India by virtue of this section unless—

(a) his birth is registered at an Indian consulate within one year of its occurrence or the commencement of this Act, whichever is later, or, with the permission of the Central Government, after the expiry of the said period; or

(b) his father is, at the time of his birth, in service under a Government in India:

Provided further that if either of the parents of a person referred to in clause (b) was a citizen of India by descent only, that person shall not be a citizen of India by virtue of this section, unless—

(a) his birth is registered at an Indian consulate within one year of its occurrence or on or after the 10th day of December, 1992, whichever is later, or, with the permission of the Central Government, after the expiry of the said period; or

(b) either of his parents is, at the time of his birth, in service under a Government in India:

1. Subs. by Act 6 of 2004, s. 3, for section 3 (w.e.f. 3-12-2004).

2. Subs. by s. 4, *ibid.*, for sub-section (1) (w.e.f. 3-12-2004).

Provided also that on or after the commencement of the Citizenship (Amendment) Act, 2003 (6 of 2004), a person shall not be a citizen of India by virtue of this section, unless his birth is registered at an Indian consulate in such form and in such manner, as may be prescribed,—

(i) within one year of its occurrence or the commencement of the Citizenship (Amendment) Act, 2003(6 of 2004), whichever is later; or

(ii) with the permission of the Central Government, after the expiry of the said period:

Provided also that no such birth shall be registered unless the parents of such person declare, in such form and in such manner as may be prescribed, that the minor does not hold the passport of another country.

(1A) A minor who is a citizen of India by virtue of this section and is also a citizen of any other country shall cease to be a citizen of India if he does not renounce the citizenship or nationality of another country within six months of attaining full age.]

(2) If the Central Government so directs, a birth shall be deemed for the purposes of this section to have been registered with its permission, notwithstanding that its permission was not obtained before the registration.

(3) For the purposes of the proviso to sub-section (1), ¹[any person] born outside undivided India who was, or was deemed to be, a citizen of India at the commencement of the Constitution shall be deemed to be a citizen of India by descent only.

5. Citizenship by registration.—²[(1) Subject to the provisions of this section and such other conditions and restrictions as may be prescribed, the Central Government may, on an application made in this behalf, register as a citizen of India any person not being an illegal migrant who is not already such citizen by virtue of the Constitution or of any other provision of this Act if he belongs to any of the following categories, namely:—

(a) a person of Indian origin who is ordinarily resident in India for seven years before making an application for registration;

(b) a person of Indian origin who is ordinarily resident in any country or place outside undivided India;

(c) a person who is married to a citizen of India and is ordinarily resident in India for seven years before making an application for registration;

(d) minor children of persons who are citizens of India;

(e) a person of full age and capacity whose parents are registered as citizens of India under clause (a) of this sub-section or sub-section (1) of section 6;

(f) a person of full age and capacity who, or either of his parents, was earlier citizen of independent India, and ³[is ordinarily resident in India for twelve months] immediately before making an application for registration;

(g) a person of full age and capacity who has been registered as an ⁴[Overseas Citizen of India Cardholder] for five years, and who ⁵[is ordinarily resident in India for twelve months] before making an application for registration.

Explanation 1.—For the purposes of clauses (a) and (c), an applicant shall be deemed to be ordinarily resident in India if—

(i) he has resided in India throughout the period of twelve months immediately before making an application for registration; and

(ii) he has resided in India during the eight years immediately preceding the said period of twelve months for a period of not less than six years.

1. Subs. by Act 39 of 1992, s. 2, for “any male person”.

2. Subs. by Act 6 of 2004, s. 5, for sub-section (1) (w.e.f. 3-12-2004).

3. Subs. by Act 1 of 2015, s. 3, for “has been residing in India for one year” (w.e.f. 6-1-2015).

4. Subs. by s. 3, *ibid.*, for “Overseas Citizen of India” (w.e.f. 6-1-2015).

5. Subs. by s. 3, *ibid.*, for “has been residing in India for one year” (w.e.f. 6-1-2015).

Explanation 2.—For the purposes of this sub-section, a person shall be deemed to be of Indian origin if he, or either of his parents, was born in undivided India or in such other territory which became part of India after the 15th day of August, 1947.]

¹[(1A) The Central Government, if it is satisfied that special circumstances exist, may after recording the circumstances in writing, relax the period of twelve months, specified in clauses (f) and (g) and clause (i) of *Explanation 1* of sub-section (1), up to a maximum of thirty days which may be in different breaks.]

(2) No person being of full age shall be registered as a citizen of India under sub-section (1) until he has taken the oath of allegiance in the form specified in the Second Schedule.

(3) No person who has renounced, or has been deprived of, his Indian citizenship or whose Indian citizenship has terminated, under this Act shall be registered as a citizen of India under sub-section (1) except by order of the Central Government.

(4) The Central Government may, if satisfied that there are special circumstances justifying such registration, cause any minor to be registered as a citizen of India.

(5) A person registered under this section shall be a citizen of India by registration as from the date on which he is so registered; and a person registered under the provisions of clause (b)(ii) of article 6 or article 8 of the Constitution shall be deemed to be a citizen of India by registration as from the commencement of the Constitution or the date on which he was so registered, whichever may be later.

²[(6) If the Central Government is satisfied that circumstances exist which render it necessary to grant exemption from the residential requirement under clause (c) of sub-section (1) to any person or a class of persons, it may, for reasons to be recorded in writing, grant such exemption.].

6. Citizenship by naturalisation.—(1) Where an application is made in the prescribed manner by any person of full age and capacity ³[not being an illegal migrant] for the grant of a certificate of naturalisation to him, the Central Government may, if satisfied that the applicant is qualified for naturalisation under the provisions of the Third Schedule, grant to him a certificate of naturalisation:

Provided that, if in the opinion of the Central Government, the applicant is a person who has rendered distinguished service to the cause of science, philosophy, art, literature, world peace or human progress generally, it may waive all or any of the conditions specified in the Third Schedule.

(2) The person to whom a certificate of naturalisation is granted under sub-section (1) shall, on taking the oath of allegiance in the form specified in the Second Schedule, be a citizen of India by naturalisation as from the date on which that certificate is granted.

⁴[**6A. Special provisions as to citizenship of persons covered by the Assam Accord.**—(1) For the purposes of this section—

(a) “Assam” means the territories included in the State of Assam immediately before the commencement of the Citizenship (Amendment) Act, 1985 (65 of 1985);

(b) “detected to be a foreigner” means detected to be a foreigner in accordance with the provisions of the Foreigners Act, 1946 (31 of 1946) and the Foreigners (Tribunals) Order, 1964 by a Tribunal constituted under the said Order;

(c) “specified territory” means the territories included in Bangladesh immediately before the commencement of the Citizenship (Amendment) Act, 1985 (65 of 1985);

(d) a person shall be deemed to be Indian origin, if he, or either of his parents or any of his grandparents was born in undivided India;

1. Ins. by Act 1 of 2015, s. 3 (w.e.f. 6-1-2015).

2. Ins. by Act 6 of 2004, s. 5 (w.e.f. 3-12-2004).

3. Subs. by s. 6, *ibid.*, for “who is not a citizen of a country specified in the First Schedule” (w.e.f. 3-12-2004).

4. Ins. by Act 65 of 1985, s. 2 (w.e.f. 7-12-1985).

(e) a person shall be deemed to have been detected to be a foreigner on the date on which a Tribunal constituted under the Foreigners (Tribunals) Order, 1964 submits its opinion to the effect that he is a foreigner to the officer or authority concerned.

(2) Subject to the provisions of sub-sections (6) and (7), all persons of Indian origin who came before the 1st day of January, 1966 to Assam from the specified territory (including such of those whose names were included in the electoral rolls used for the purposes of the General Election to the House of the People held in 1967) and who have been ordinarily resident in Assam since the dates of their entry into Assam shall be deemed to be citizens of India as from the 1st day of January, 1966.

(3) Subject to the provisions of sub-sections (6) and (7), every person of Indian origin who—

(a) came to Assam on or after the 1st day of January, 1966 but before the 25th day of March, 1971 from the specified territory; and

(b) has, since the date of his entry into Assam, been ordinarily resident in Assam; and

(c) has been detected to be a foreigner;

shall register himself in accordance with the rules made by the Central Government in this behalf under section 18 with such authority (hereafter in this sub-section referred to as the registering authority) as may be specified in such rules and if his name is included in any electoral roll for any Assembly or Parliamentary constituency in force on the date of such detection, his name shall be deleted therefrom.

Explanation.—In the case of every person seeking registration under this sub-section, the opinion of the Tribunal constituted under the Foreigners (Tribunals) Order, 1964 holding such person to be a foreigner, shall be deemed to be sufficient proof of the requirement under clause (c) of this sub-section and if any question arises as to whether such person complies with any other requirement under this sub-section, the registering authority shall,—

(i) if such opinion contains a finding with respect to such other requirement, decide the question in conformity with such finding;

(ii) if such opinion does not contain a finding with respect to such other requirement, refer the question to a Tribunal constituted under the said Order having jurisdiction in accordance with such rules as the Central Government may make in this behalf under section 18 and decide the question in conformity with the opinion received on such reference.

(4) A person registered under sub-section (3) shall have, as from the date on which he has been detected to be a foreigner and till the expiry of a period of ten years from that date, the same rights and obligations as a citizen of India (including the right to obtain a passport under the Passports Act, 1967 (15 of 1967) and the obligations connected therewith), but shall not be entitled to have his name included in any electoral roll for any Assembly or Parliamentary constituency at any time before the expiry of the said period of ten years.

(5) A person registered under sub-section (3) shall be deemed to be a citizen of India for all purposes as from the date of expiry of a period of ten years from the date on which he has been detected to be a foreigner.

(6) Without prejudice to the provisions of section 8—

(a) if any person referred to in sub-section (2) submits in the prescribed manner and form and to the prescribed authority within sixty days from the date of commencement of the Citizenship (Amendment) Act, 1985 (65 of 1985), a declaration that he does not wish to be a citizen of India, such person shall not be deemed to have become a citizen of India under that sub-section;

(b) if any person referred to in sub-section (3) submits in the prescribed manner and form and to the prescribed authority within sixty days from the date of commencement of the Citizenship (Amendment) Act, 1985 (65 of 1985), or from the date on which he has been detected to be a foreigner, whichever is later, a declaration that he does not wish to be governed by the provisions of that sub-section and sub-sections (4) and (5), it shall not be necessary for such person to register himself under sub-section (3).

Explanation.—Where a person required to file a declaration under this sub-section does not have the capacity to enter into a contract, such declaration may be filed on his behalf by any person competent under the law for the time being in force to act on his behalf.

(7) Nothing in sub-sections (2) to (6) shall apply in relation to any person—

(a) who, immediately before the commencement of the Citizenship (Amendment) Act, 1985 (65 of 1985), is a citizen of India;

(b) who was expelled from India before the commencement of the Citizenship (Amendment) Act, 1985, under the Foreigners Act, 1946 (31 of 1946).

(8) Save as otherwise expressly provided in this section, the provisions of this section shall have effect notwithstanding anything contained in any other law for the time being in force.]

¹[**6B. Special provisions as to citizenship of person covered by proviso to clause (b) of sub-section (1) of section 2.**—(1) The Central Government or an authority specified by it in this behalf may, subject to such conditions, restrictions and manner as may be prescribed, on an application made in this behalf, grant a certificate of registration or certificate of naturalisation to a person referred to in the proviso to clause (b) of sub-section (1) of section 2.

(2) Subject to fulfillment of the conditions specified in section 5 or the qualifications for naturalisation under the provisions of the Third Schedule, a person granted the certificate of registration or certificate of naturalisation under sub-section (1) shall be deemed to be a citizen of India from the date of his entry into India.

(3) On and from the date of commencement of the Citizenship (Amendment) Act, 2019, any proceeding pending against a person under this section in respect of illegal migration or citizenship shall stand abated on conferment of citizenship to him:

Provided that such person shall not be disqualified for making application for citizenship under this section on the ground that the proceeding is pending against him and the Central Government or authority specified by it in this behalf shall not reject his application on that ground if he is otherwise found qualified for grant of citizenship under this section:

Provided further that the person who makes the application for citizenship under this section shall not be deprived of his rights and privileges to which he was entitled on the date of receipt of his application on the ground of making such application.

(4) Nothing in this section shall apply to tribal area of Assam, Meghalaya, Mizoram or Tripura as included in the Sixth Schedule to the Constitution and the area covered under “The Inner Line” notified under the Bengal Eastern Frontier Regulation, 1873 (Reg. 5 of 1873).]

7. Citizenship by incorporation of territory.—If any territory becomes a part of India, the Central Government may, by order notified in the Official Gazette, specify the persons who shall be citizens of India by reason of their connection with that territory; and those persons shall be citizens of India as from the date to be specified in the order.

²[OVERSEAS CITIZENSHIP

³[**7A. Registration of Overseas Citizen of India Cardholder.**—(1) The Central Government may, subject to such conditions, restrictions and manner as may be prescribed, on an application made in this behalf, register as an Overseas Citizen of India Cardholder—

(a) any person of full age and capacity,—

(i) who is a citizen of another country, but was a citizen of India at the time of, or at any time after the commencement of the Constitution; or

1. Ins. by Act 47 of 2019, s. 3 (w.e.f. 10-1-2020).

2. Ins. by Act 6 of 2004, s. 7 (w.e.f. 3-12-2004).

3. Subs. by Act 1 of 2015, s. 4, for sections 7A, 7B, 7C and 7D (w.e.f. 6-1-2015).

(ii) who is a citizen of another country, but was eligible to become a citizen of India at the time of the commencement of the Constitution; or

(iii) who is a citizen of another country, but belonged to a territory that became part of India after the 15th day of August, 1947; or

(iv) who is a child or a grandchild or a great grandchild of such a citizen; or

(b) a person, who is a minor child of a person mentioned in clause (a); or

(c) a person, who is a minor child, and whose both parents are citizens of India or one of the parents is a citizen of India; or

(d) spouse of foreign origin of a citizen of India or spouse of foreign origin of an Overseas Citizen of India Cardholder registered under section 7A and whose marriage has been registered and subsisted for a continuous period of not less than two years immediately preceding the presentation of the application under this section:

Provided that for the eligibility for registration as an Overseas Citizen of India Cardholder, such spouse shall be subjected to prior security clearance by a competent authority in India:

Provided further that no person, who or either of whose parents or grandparents or great grandparents is or had been a citizen of Pakistan, Bangladesh or such other country as the Central Government may, by notification in the Official Gazette, specify, shall be eligible for registration as an Overseas Citizen of India Cardholder under this sub-section.

(2) The Central Government may, by notification in the Official Gazette, specify the date from which the existing persons of Indian Origin Cardholders shall be deemed to be Overseas Citizens of India Cardholders.

Explanation.—For the purposes of this sub-section, “Persons of Indian Origin Cardholders” means the persons registered as such under notification number 26011/4/98 F.I., dated the 19th August, 2002, issued by the Central Government in this regard.

(3) Notwithstanding anything contained in sub-section (1), the Central Government may, if it is satisfied that special circumstances exist, after recording the circumstances in writing, register a person as an Overseas Citizen of India Cardholder.

7B. Conferment of rights on Overseas Citizen of India Cardholder.—(1) Notwithstanding anything contained in any other law for the time being in force, an Overseas Citizen of India Cardholder shall be entitled to such rights, other than the rights specified under sub-section (2), as the Central Government may, by notification in the Official Gazette, specify in this behalf.

(2) An Overseas Citizen of India Cardholder shall not be entitled to the rights conferred on a citizen of India—

(a) under article 16 of the Constitution with regard to equality of opportunity in matters of public employment;

(b) under article 58 of the Constitution for election as President;

(c) under article 66 of the Constitution for election as Vice-President;

(d) under article 124 of the Constitution for appointment as a Judge of the Supreme Court;

(e) under article 217 of the Constitution for appointment as a Judge of the High Court;

(f) under section 16 of the Representation of the People Act, 1950 (43 of 1950) in regard to registration as a voter;

(g) under sections 3 and 4 of the Representation of the People Act, 1951 (43 of 1951) with regard to the eligibility for being a member of the House of the People or of the Council of States, as the case may be;

(h) under sections 5, 5A and section 6 of the Representation of the People Act, 1951 (43 of 1951) with regard to the eligibility for being a member of the Legislative Assembly or the Legislative Council, as the case may be, of a State;

(i) for appointment to public services and posts in connection with affairs of the Union or of any State except for appointment in such services and posts as the Central Government may, by special order in that behalf, specify.

(3) Every notification issued under sub-section (1) shall be laid before each House of Parliament.

7C. Renunciation of Overseas Citizen of India Card.—(1) If any Overseas Citizen of India Cardholder of full age and capacity makes in prescribed manner a declaration renouncing the Card registering him as an Overseas Citizen of India Cardholder, the declaration shall be registered by the Central Government, and upon such registration, that person shall cease to be an Overseas Citizen of India Cardholder.

(2) Where a person ceases to be an Overseas Citizen of India Cardholder under sub-section (1), the spouse of foreign origin of that person, who has obtained Overseas Citizen of India Card under clause (d) of sub-section (1) of section 7A, and every minor child of that person registered as an Overseas Citizen of India Cardholder shall thereupon cease to be an Overseas Citizen of India Cardholder.

7D. Cancellation of registration as Overseas Citizen of India Cardholder.—The Central Government may, by order, cancel the registration granted under sub-section (1) of section 7A, if it is satisfied that—

(a) the registration as an Overseas Citizen of India Cardholder was obtained by means of fraud, false representation or the concealment of any material fact; or

(b) the Overseas Citizen of India Cardholder has shown disaffection towards the Constitution, as by law established; or

(c) the Overseas Citizen of India Cardholder has, during any war in which India may be engaged, unlawfully traded or communicated with an enemy or been engaged in, or associated with, any business or commercial activity that was to his knowledge carried on in such manner as to assist an enemy in that war; or

(d) the Overseas Citizen of India Cardholder has, within five years after registration under sub-section (1) of section 7A, been sentenced to imprisonment for a term of not less than two years; or

¹[(da) the Overseas Citizen of India Cardholder has violated any of the provisions of this Act or provisions of any other law for time being in force as may be specified by the Central Government in the notification published in the Official Gazette; or]

(e) it is necessary so to do in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country, or in the interests of the general public; or

(f) the marriage of an Overseas Citizen of India Cardholder, who has obtained such Card under clause (d) of sub-section (1) of section 7A,—

(i) has been dissolved by a competent court of law or otherwise; or

(ii) has not been dissolved but, during the subsistence of such marriage, he has solemnised marriage with any other person.]]

¹[Provided that no order under this section shall be passed unless the Overseas Citizen of India Cardholder has been given a reasonable opportunity of being heard.]

1. Ins. by Act 47 of 2019, s. 4 (w.e.f. 10-1-2020).

TERMINATION OF CITIZENSHIP

8. Renunciation of citizenship.—(1) If any citizen of India of full age and capacity,^{1***}, makes in the prescribed manner a declaration renouncing his Indian Citizenship, the declaration shall be registered by the prescribed authority; and, upon such registration, that person shall cease to be a citizen of India:

Provided that if any such declaration is made during any war in which India may be engaged, registration thereof shall be withheld until the Central Government otherwise directs.

(2) Where²[a person] ceases to be a citizen of India under sub-section (1), every minor child of that person shall thereupon cease to be a citizen of India:

Provided that any such child may, within one year after attaining full age, make a declaration³[in the prescribed form and manner] that he wishes to resume Indian citizenship and shall thereupon again become a citizen of India.

⁴* * * * *

9. Termination of citizenship.—(1) Any citizen of India who by naturalisation, registration otherwise voluntarily acquires, or has at any time between the 26th January, 1950 and the commencement of this Act, voluntarily acquired, the citizenship of another country shall, upon such acquisition or, as the case may be, such commencement, cease to be a citizen of India:

Provided that nothing in this sub-section shall apply to a citizen of India who, during any war in which India may be engaged, voluntarily acquires the citizenship of another country, until the Central Government otherwise directs.

(2) If any question arises as to whether, when or how any⁵[citizen of India] has acquired the citizenship of another country, it shall be determined by such authority, in such manner, and having regard to such rules of evidence, as may be prescribed in this behalf.

10. Deprivation of citizenship.—(1) A citizen of India who is such by naturalisation or by virtue only of clause (c) of article 5 of the Constitution or by registration otherwise than under clause (b)(ii) of article 6 of the Constitution or clause (a) of sub-section (1) of section 5 of this Act, shall cease to be a citizen of India, if he is deprived of that citizenship by an order of the Central Government under this section.

(2) Subject to the provisions of this section, the Central Government may, by order, deprive any such citizen of Indian citizenship, if it is satisfied that—

(a) the registration or certificate of naturalisation was obtained by means of fraud, false representation or the concealment of any material fact; or

(b) that citizen has shown himself by act or speech to be disloyal or disaffected towards the Constitution of India as by law established; or

(c) that citizen has, during any war in which India may be engaged, unlawfully traded or communicated with an enemy or been engaged in, or associated with, any business that was to his knowledge carried on in such manner as to assist an enemy in that war; or

(d) that citizen has, within five years after registration or naturalisation, been sentenced in any country to imprisonment for a term of not less than two years; or

(e) that citizen has been ordinarily resident out of India for a continuous period of seven years, and during that period, has neither been at any time a student of any educational institution in a country outside India or in the service of a Government in India or of an international organisation of

1. The words “who is also a citizen or national of another country” omitted by Act 6 of 2004, s. 8 (w.e.f. 3-12-2004).

2. Subs. by Act 39 of 1992, s. 3, for “a male person” (w.e.f. 10-12-1987).

3. Ins. by Act 6 of 2004, s. 8 (w.e.f. 3-12-2014).

4. Omitted by s. 8, *ibid.* (w.e.f. 3-12-2004).

5. Subs. by s. 9, *ibid.*, for “person” (w.e.f. 3-12-2004).

which India is a member, not registered annually in the prescribed manner at an Indian consulate his intention to retain his citizenship of India.

(3) The Central Government shall not deprive a person of citizenship under this section unless it is satisfied that it is not conducive to the public good that person should continue to be a citizen of India.

(4) Before making an order under this section, the Central Government shall give the person against whom the order is proposed to be made notice in writing informing him of the ground on which it is proposed to be made and, if the order is proposed to be made on any of the grounds specified in sub-section (2) other than clause (e) thereof, of his right, upon making application therefore in the prescribed manner, to have his case referred to a committee of inquiry under this section.

(5) If the order is proposed to be made against a person on any of the grounds specified in sub-section (2) other than clause (e) thereof and that person so applies in the prescribed manner, the Central Government shall, and in any other case it may, refer the case to a Committee of Inquiry consisting of a chairman (being a person who has for at least ten years held a judicial office) and two other members appointed by the Central Government in this behalf.

(6) The Committee of Inquiry shall, on such reference, hold the inquiry in such manner as may be prescribed and submit its report to the Central Government; and the Central Government shall ordinarily be guided by such report in making an order under this section.

SUPPLEMENTAL

11. [*Commonwealth citizenship.*] Omitted by Act *The Citizenship (Amendment) Act*, (6 of 2004), s. 10 (w.e.f. 3-12-2004).

12. [*Power to confer rights of Indian citizen or citizens of certain country.*] Omitted by s. 10, *ibid.* (w.e.f. 3-12-2004).

13. Certificate of Citizenship in case of doubt.—The Central Government may, in such cases as it thinks fit, certify that a person with respect to whose citizenship of India a doubt exists, is a citizen of India; and a certificate issued under this section shall, unless it is proved that it was obtained by means of fraud, false representation or concealment of any material fact, be conclusive evidence that person was such a citizen on the date thereof, but without prejudice to any evidence that he was such a citizen at an earlier date.

14. Disposal of application under sections 5, 6 and 7A.—(1) The prescribed authority or the Central Government may, in its discretion, grant or refuse an application under ¹[sections 5, 6 and 7A] and shall not be required to assign any reasons for such grant or refusal.

(2) Subject to the provisions of section 15 the decision of the prescribed authority or the Central Government on any such application as aforesaid shall be final and shall not be called in question in any court.

²[**14A. Issue of national identity cards.**—(1) The Central Government may compulsorily register every citizen of India and issue national identity card to him.

(2) The Central Government may maintain a National Register of Indian Citizens and for that purpose establish a National Registration Authority.

(3) On and from the date of commencement of the Citizenship (Amendment) Act, 2003 (6 of 2004), the Registrar General, India, appointed under sub-section (1) of section 3 of the Registration of Births and Deaths Act, 1969 (18 of 1969) shall act as the National Registration Authority and he shall function as the Registrar General of Citizen Registration.

(4) The Central Government may appoint such other officers and staff as may be required to assist the Registrar General of Citizen Registration in discharging his functions and responsibilities.

1. Subs. by Act 6 of 2004, s. 11, for “sections 5 and 6” (w.e.f. 3-12-2004).

2. Ins. by s. 12, *ibid.* (w.e.f. 3-12-2004).

(5) The procedure to be followed in compulsory registration of the citizens of India shall be such as may be prescribed.]

15. Revision.—(1) Any person aggrieved by an order made under this Act by the prescribed authority or any officer or other authority (other than the Central Government) may, within a period of thirty days from the date of the order, make an application to the Central Government for a revision of that order:

Provided that the Central Government may entertain the application after the expiry of the said period of thirty days, if it is satisfied that the applicant was prevented by sufficient cause from making the application in time.

(2) On receipt of any such application under sub-section (1), the Central Government shall, after considering the application of the aggrieved person and any report thereon which the officer or authority making the order may submit, make such order in relation to the application as it deems fit, and the decision of the Central Government shall be final.

¹[**15A. Review.**—(1) Any person aggrieved by an order made by the Central Government, may, within thirty days from the date of such order, make an application for review of such order:

Provided that the Central Government may entertain an application after the expiry of the said period of thirty days, if it is satisfied that the applicant was prevented by sufficient cause from making the application in time:

Provided further that an application for a review of an order passed in terms of the provisions of section 14A shall be disposed of in the manner provided for in the procedure as may be laid down under clause (ia) of sub-section (2) of section 18.

(2) On receipt of an application under sub-section (1), the Central Government shall, make such order as it deems fit, and the decision of the Central Government on such review shall be final.]

16. Delegation of powers.—The Central Government may, by order, direct that any power which is conferred on it by any of the provisions of this Act other than those of section 10 and section 18 shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable also by such officer or authority as may be so specified.

17. Offences.—Any person who, for the purpose of procuring anything to be done or not to be done under this Act, knowingly makes any representation which is false in a material particular shall be punishable with imprisonment for a term which may extend to ²[five years], or ³[with fine which may extend to fifty thousand rupees], or with both.

18. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the registration of anything required or authorised under this Act to be registered, and the conditions and restrictions in regard to such registration;

⁴[(aa) the form and manner in which a declaration under sub-section (1) of section 4 shall be made;];

(b) the forms to be used and the registers to be maintained under this Act;

(c) the administration and taking of oaths of allegiance under this Act and the time within which and the manner in which, such oaths shall be taken and recorded;

(d) the giving of any notice required or authorised to be given by any person under this Act;

1. Ins. by Act 6 of 2004, s. 13, *ibid.* (w.e.f. 3-12-2004).

2. Subs. by s. 14, *ibid.*, for “six months” (w.e.f. 3-12-2004)

3. Subs. by s. 14, *ibid.*, for “with fine” (w.e.f. 3-12-2004)..

4. Ins. by s. 15, *ibid.* (w.e.f. 3-12-2004).

(e) the cancellation of the registration of, and the cancellation and amendment of certificates of naturalisation relating to, persons deprived of citizenship under this Act, and the delivering up of such certificates for those purposes;

¹[(ee) the manner and form in which and the authority to whom declarations referred to in clauses (a) and (b) of sub-section (6) of section 6A shall be submitted and other matters connected with such declarations;]

²[(eei) the conditions, restrictions and manner for granting certificate of registration or certificate of naturalisation under sub-section (1) of section 6B;]

³[(eea) the conditions and the manner subject to which a person may be registered as an Overseas Citizen of India Cardholder under sub-section (1) of section 7A;

(eeb) the manner of making declaration for renunciation of Overseas Citizen of India Card under sub-section (1) of section 7C;]

(f) the registration at Indian consulates of the births and deaths of persons of any class or description born or dying outside India;

(g) the levy and collection of fees in respect of applications, registrations, declarations and certificates under this Act, in respect of the taking of an oath of allegiance, and in respect of the supply of certified or other copies of documents;

(h) the authority to determine the question of acquisition of citizenship of another country, the procedure to be followed by such authority and rules of evidence relating to such cases;

(i) the procedure to be followed by the committees of inquiry appointed under section 10 and the conferment on such committees of any of the powers, rights and privileges of civil courts;

⁴[(ia) the procedure to be followed in compulsory registration of the citizens of India under sub-section (5) of section 14A;]

(j) the manner in which applications for revision may be made and the procedure to be followed by the Central Government in dealing with such applications; and

(k) any other matter which is to be, or may be, prescribed under the Act.

(3) In making any rule under this section, the Central Government may provide that a breach thereof shall be punishable with fine which may extend to one thousand rupees.

⁵[Provided that any rule made in respect of a matter specified in clause (ia) of sub-section (2) may provide that a breach thereof shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both.]

⁶[(4) Every rule made under this section shall be laid, as soon as may be after it is made before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of session, immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

19. [Repeals.] [Rep. by the Repealing and Amending Act, 1960 (58 of 1960), s. 2 and the First Schedule.]

1. Ins. by Act 65 of 1985, s. 3 (w.e.f. 7-12-1985).

2. Ins. by Act 47 of 2019, s. 5 (w.e.f. 10-1-2020).

3. Ins. by Act 1 of 2015, s. 5 (w.e.f. 6-1-2015).

4. Ins. by Act 6 of 2004, s. 15 (w.e.f. 7-12-1985).

5. The proviso ins. by s. 15, *ibid.* (w.e.f. 3-12-2004).

6. Subs. by Act 4 of 1986, s. 2 and the Schedule for sub-section (4) (w.e.f. 15-5-1986).

[THE FIRST SCHEDULE.] [*Omitted by Act the Citizenship (Amendment) Act, 2003 (6 of 2004), s. 16 (w.e.f. 3-12-2004).*]

¹[THE SECOND SCHEDULE

[*See* sections 5(2) and 6(2)]

OATH OF ALLEGIANCE

I, A. B. _____ do solemnly affirm (or swear) that I will bear true faith and allegiance to the Constitution of India as by law established, and that I will faithfully observe the laws of India and fulfill my duties as a citizen of India.]

1. Subs. by Act 6 of 2004, s. 17, for the Second Schedule (w.e.f. 3-12-2004).

THE THIRD SCHEDULE

[See section 6(1)]

QUALIFICATIONS FOR NATURALISATION

The qualifications for naturalisation of a person ^{1****} are—

(a) that he is not a subject or citizen of any country where citizens of India are prevented by law or practice of that country from becoming subjects or citizens of that country by naturalisation;

(b) that, if he is a citizen of any country, ^{2***};

(c) that he has either resided in India or been in the service of a Government in India or partly the one and partly the other, throughout the period of twelve months immediately preceding the date of the application;

³[Provided that if the Central Government is satisfied that special circumstances exist, it may, after recording the circumstances in writing, relax the period of twelve months up to a maximum of thirty days which may be in different breaks.]

(d) that during the ⁴[fourteen years] immediately preceding the said period of twelve months, he has either resided in India or been in the service of a Government in India, or partly the one and partly the other, for periods amounting in the aggregate to not less than ⁵[eleven years];

⁶[Provided that for the person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community in Afghanistan, Bangladesh or Pakistan, the aggregate period of residence or service of Government in India as required under this clause shall be read as “not less than five years” in place of “not less than eleven years”.]

(e) that he is of good character;

(f) that he has an adequate knowledge of a language specified in the Eighth Schedule to the Constitution; and

(g) that in the event of a certificate of naturalisation being granted to him, he intends to reside in India, or to enter into, or continue in, service under a Government in India or under an international organisation of which India is a member or under a society, company or body of persons established in India:

Provided that the Central Government may, if in the special circumstances of any particular case it thinks fit,—

(i) allow a continuous period of twelve months ending not more than six months before the date of the application to be reckoned, for the purposes of clause (c) above, as if it had immediately preceded that date;

(ii) allow periods of residence or service earlier than ⁷[fifteen years] before the date of the application to be reckoned in computing the aggregate mentioned in clause (d) above.

1. Subs. by Act 6 of 2004, s. 18, for “who is not a citizen of a country specified in the First Schedule” (w.e.f. 3-12-2004).

2. Subs. by s. 18, *ibid.*, for “he has renounced the citizenship of that country in accordance with the law therein in force in that behalf and has notified such renunciation to the Central Government” (w.e.f. 3-12-2004).

3. The proviso ins. by Act 1 of 2015, s. 6 (w.e.f. 6-1-2015).

4. Subs. by Act 6 of 2004, s. 18, for “twelve years” (w.e.f. 3-12-2004).

5. Subs. by s. 18, *ibid.*, for “nine years” (w.e.f. 3-12-2004).

6. The proviso ins. by Act 47 of 2019, s. 6 (w.e.f. 10-1-2020).

7. Subs. by Act 6 of 2004, s. 18, for “thirteen years” (w.e.f. 3-12-2004).

[THE FOURTH SCHEDULE.] *Omitted by the Citizenship (Amendment) Act, 2005 (32 of 2005), s. 5 (w.e.f. 28-6-2005).*

नागरिकता अधिनियम, 1955

(1955 का अधिनियम संख्यांक 57)¹

[30 दिसम्बर, 1955]

भारतीय नागरिकता के अर्जन और पर्यवसान के लिए
उपबन्ध करने के लिए
अधिनियम

भारण गणराज्य के छठे वर्ष में संसद् द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

1. संक्षिप्त नाम—यह अधिनियम नागरिकता अधिनियम, 1955 कहा जा सकेगा।

2. निर्वचन—(1) इस अधिनियम में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

(क) “भारत में की किसी सरकार” से केन्द्रीय सरकार या कोई राज्य सरकार अभिप्रेत है;

²[(ख) “अवैध प्रवासी” से ऐसा कोई विदेशी अभिप्रेत है जिसने भारत में,—

(i) किसी विधिमान्य पासपोर्ट या अन्य यात्रा दस्तावेज और ऐसे अन्य दस्तावेज या प्राधिकार के बिना, जो इस निमित्त किसी विधि द्वारा या उसके अधीन विहित किया जाए, प्रवेश किया है;

(ii) किसी विधिमान्य पासपोर्ट या अन्य यात्रा दस्तावेज और ऐसे अन्य दस्तावेज या प्राधिकार के साथ, जो इस निमित्त किसी विधि द्वारा या उसके अधीन विहित किया जाए, प्रवेश किया है किन्तु वह वहां अनुज्ञात अवधि के पश्चात् रहता है;]

(घ) “भारतीय कान्सलेट” से भारत सरकार के किसी कौन्सलीय आफिसर का वह कार्यालय जहां जन्म-रजिस्टर रखा जाता है, या जहां ऐसा कोई कार्यालय न हो, वहां ऐसा कार्यालय, जैसा विहित किया जाए, अभिप्रेत है;

(ङ) “अप्राप्तवय” से ऐसा व्यक्ति अभिप्रेत है जिसने अठारह वर्ष की आयु पूरी नहीं की है;

³[(डङ) “भारत का कार्ड धारक विदेशी नागरिक” से ऐसा व्यक्ति अभिप्रेत है जो धारा 7क के अधीन केन्द्रीय सरकार द्वारा भारत के कार्ड धारक विदेशी नागरिक के रूप में रजिस्ट्रीकृत है;]

(च) “व्यक्ति” के अन्तर्गत कोई कम्पनी या संगम या व्यष्टि-निकाय नहीं आता चाहे वह निगमित हो या न हो;

(छ) “विहित” से इस अधिनियम के अधीन बनाए गए नियमों द्वारा विहित अभिप्रेत है;

4* * * * *

(ज) “अविभक्त भारत” से वह भारत अभिप्रेत है जो मूल रूप में यथा अधिनियमित गवर्नमेंट ऑफ इंडिया ऐक्ट, 1935 में परिभाषित है।

(2) इस अधिनियम के प्रयोजनों के लिए यह समझा जाएगा कि किसी रजिस्ट्रीकृत पोत या वायुयान के फलक पर अथवा किसी देश की सरकार के किसी अरजिस्ट्रीकृत पोत या वायुयान के फलक पर पैदा हुआ व्यक्ति, यथास्थिति, उस स्थान में, जहां वह पोत या वायुयान रजिस्ट्रीकृत है, या उस देश में पैदा हुआ था।

(3) इस अधिनियम में किसी व्यक्ति के जन्म के समय उस व्यक्ति के पिता की प्रास्थिति या अभिवर्णन के प्रति किसी निर्देश का अर्थ ऐसे व्यक्ति के सम्बन्ध में, जो अपने पिता की मृत्यु के पश्चात् पैदा हुआ है, यह लगाया जाएगा कि वह निर्देश पिता की मृत्यु के समय पिता की प्रास्थिति या अभिवर्णन के प्रति है; और जहां कि वह मृत्यु इस अधिनियम के प्रारम्भ से पूर्व हुई थी और जन्म इस अधिनियम के प्रारम्भ के पश्चात् हुआ है, वहां वह प्रास्थिति या अभिवर्णन, जो पिता को उस दशा में लागू होता जिसमें कि उसकी मृत्यु इस अधिनियम के प्रारम्भ के पश्चात् हुई हो तो, उसकी मृत्यु के समय उसे लागू प्रास्थिति या अभिवर्णन समझा जाएगा।

(4) इस अधिनियम के प्रयोजनों के लिए यह समझा जाएगा कि कोई व्यक्ति वयः प्राप्त है यदि वह अप्राप्तवय नहीं है, और पूर्ण सामर्थ्य का है यदि वह विकृतचित नहीं है।

¹ इस अधिनियम का विस्तार, दादरा और नागर हवेली संघ राज्यक्षेत्र पर अधिसूचना सं० का० आ० 846, तारीख 7-3-1962, भारत का राजपत्र, असाधारण, भाग 2, खंड 3 (ii), पृ० 517 द्वारा, गोवा, दमन और दीव संघ राज्यक्षेत्र पर अधिसूचना सं० का० आ० 847, तारीख 17-3-1962 भारत का राजपत्र, असाधारण, भाग 2, खंड 3(ii) द्वारा, और उपान्तर सहित पांडिचेरी पर अधिसूचना सं० सा० का० नि० 1557, तारीख 24-11-1962 भारत का राजपत्र, भाग 2, खंड 3(i), पृ० 1886 द्वारा किया गया।

² 2004 के अधिनियम सं० 6 की धारा 2 द्वारा प्रतिस्थापित।

³ 2004 के अधिनियम सं० 6 की धारा 2 द्वारा अंतःस्थापित।

⁴ 2005 के अधिनियम सं० 32 की धारा 2 द्वारा (28-06-2005 से) लोप किया गया।

¹**3. जन्म द्वारा नागरिकता**—(1) उपधारा (2) में जैसा उपबंधित है उसके सिवाय, ऐसा प्रत्येक व्यक्ति जन्म द्वारा भारत का नागरिक होगा जिसका जन्म भारत में,—

(क) 26 जनवरी, 1950 को या उसके पश्चात् किन्तु 1 जुलाई, 1987 के पूर्व हुआ है;

(ख) 1 जुलाई, 1987 को या उसके पश्चात् किन्तु नागरिकता (संशोधन) अधिनियम, 2003 के प्रारंभ के पूर्व हुआ है और जिसके माता या पिता में से कोई उसके जन्म के समय भारत का नागरिक है;

(ग) नागरिकता (संशोधन) अधिनियम, 2003 के प्रारंभ पर या उसके पश्चात्—

(i) जहां उसके माता या पिता दोनों भारत के नागरिक हैं; या

(ii) जिसके माता-पिता में से एक भारत का नागरिक है और दूसरा उसके जन्म के समय पर अवैध प्रवासी नहीं है।

(2) कोई व्यक्ति इस धारा के आधार पर भारत का नागरिक नहीं होगा यदि उसके जन्म के समय,—

(क) उसके पिता या उसकी माता को, वादों और वैध आदेशिका में ऐसी उन्मुक्ति प्राप्त है जैसी भारत के राष्ट्रपति को प्रत्यायित किसी प्रभुत्व संपन्न विदेशी शक्ति के दूत को दी जाती है और वह, यथास्थिति, भारत का/की नागरिक नहीं है; या

(ख) उसका पिता या उसकी माता कोई अन्य देशीय शत्रु है और उसका जन्म किसी ऐसे स्थान पर होता है जो उस समय शत्रु के अधिभोग के अधीन है।]

4. अवजनन द्वारा नागरिकता—²[(1) भारत के बाहर,—

(क) 26 जनवरी, 1950 को या उसके पश्चात् किन्तु 10 दिसंबर, 1992 के पूर्व पैदा हुआ कोई व्यक्ति अवजनन द्वारा भारत का नागरिक होगा, यदि उसका पिता उसके जन्म के समय भारत का नागरिक है; या

(ख) 10 दिसंबर, 1992 को या उसके पश्चात् पैदा हुआ कोई व्यक्ति अवजनन द्वारा भारत का नागरिक होगा, यदि उसके पिता/माता में से कोई उसके जन्म के समय भारत का नागरिक है :

परन्तु यदि खंड (क) में निर्दिष्ट किसी व्यक्ति का पिता केवल अवजनन द्वारा भारत का नागरिक था तो वह व्यक्ति इस धारा के आधार पर भारत का नागरिक तब के सिवाय नहीं होगा,—

(क) जब कि उसके जन्म का रजिस्ट्रीकरण किसी भारतीय कौन्सलेट में जन्म होने से या इस अधिनियम के प्रारंभ से, इनमें से जो भी पश्चात्पूर्ति हो, एक वर्ष के अंदर या केंद्रीय सरकार की अनुज्ञा से उक्त कालावधि के अवसान के पश्चात् कर दिया गया है; या

(ख) उसका पिता उसके जन्म के समय भारत में किसी सरकार के अधीन सेवा में है :

परन्तु यह और कि यदि खंड (ख) में निर्दिष्ट किसी व्यक्ति के पिता-माता में से कोई केवल अवजनन द्वारा भारत का नागरिक था तो वह व्यक्ति इस धारा के आधार पर भारत का नागरिक तब के सिवाय नहीं होगा जब कि,—

(क) उसके जन्म का रजिस्ट्रीकरण किसी भारतीय कौन्सलेट में जन्म होने से या 10 दिसंबर, 1992 को या उसके पश्चात्, इनमें से जो पश्चात्पूर्ति हो, एक वर्ष के अंदर या केंद्रीय सरकार की अनुज्ञा से उक्त कालावधि के अवसान के पश्चात् कर दिया गया है; अथवा

(ख) उसके पिता-माता में से कोई, उसके जन्म के समय, भारत में किसी सरकार के अधीन सेवा में है :

परन्तु यह भी कि नागरिकता (संशोधन) अधिनियम, 2003 के प्रारंभ पर या उसके पश्चात् कोई व्यक्ति इस धारा के आधार पर तब के सिवाय भारत या नागरिक नहीं होगा जब कि उसके जन्म का रजिस्ट्रीकरण किसी भारतीय कौन्सलेट में ऐसे प्ररूप में और ऐसी रीति से, जो विहित की जाए,—

(i) उसका जन्म होने से या नागरिकता (संशोधन) अधिनियम, 2003 के प्रारंभ से, जो भी पश्चात्पूर्ति हो, एक वर्ष के अंदर; या

(ii) केंद्रीय सरकार की अनुज्ञा से उक्त कालावधि की समाप्ति के पश्चात्,

कर दिया गया है :

¹ 2004 के अधिनियम सं० 6 की धारा 3 द्वारा प्रतिस्थापित।

² 2004 के अधिनियम सं० 6 की धारा 4 द्वारा प्रतिस्थापित।

परन्तु यह भी कि किसी ऐसे जन्म को तब के सिवाय रजिस्ट्रीकृत नहीं किया जाएगा जब कि ऐसे व्यक्ति का/की पिता या माता ऐसे प्ररूप में और ऐसी रीति से जो विहित की जाए, यह घोषणा करता/करती है कि अप्राप्तवय दूसरे देश का पासपोर्ट धारण नहीं करता है।

(1क) कोई अप्राप्तवय, जो इस धारा के आधार पर भारत का नागरिक है और किसी अन्य देश का भी नागरिक है, भारत का नागरिक नहीं रहेगा यदि वह पूर्ण वय: प्राप्त करने के छह मास के भीतर दूसरे देश की नागरिकता या राष्ट्रियता का त्यजन नहीं करता है।]

(2) यदि केन्द्रीय सरकार ऐसा निदेश देती है, तो इस बात के होते हुए भी कि रजिस्ट्रीकरण से पूर्व उसकी अनुज्ञा अभिप्राप्त नहीं की गई थी, यह समझा जाएगा कि कोई जन्म इस धारा के प्रयोजनों के लिए उसकी अनुज्ञा से रजिस्ट्रीकृत किया गया है।

(3) उपधारा (1) के परन्तुक के प्रयोजनों के लिए यह समझा जाएगा कि अविभक्त भारत के बाहर पैदा हुआ ¹[कोई भी व्यक्ति] जो संविधान के प्रारम्भ के समय भारत का नागरिक था या समझा जाता था, अवजनन द्वारा भारत का नागरिक है।

5. रजिस्ट्रीकरण द्वारा नागरिकता—²[(1) इस धारा के उपबंधों तथा ऐसी शर्तों और निर्बन्धनों के जैसे विहित किए जाएं, अधीन रहते हुए केन्द्रीय सरकार, इस निमित्त किए गए आवेदन पर किसी ऐसे व्यक्ति को भारत के नागरिक के रूप में रजिस्ट्रीकृत कर सकेगी जो कोई अवैध प्रवासी नहीं है, जो संविधान या इस अधिनियम के किसी अन्य उपबंध के आधार पर पहले ही ऐसा नागरिक नहीं है, यदि वह निम्नलिखित प्रवर्गों में से किसी प्रवर्ग का है, अर्थात्:—

(क) भारतीय उद्भव का वह व्यक्ति जो रजिस्ट्रीकरण के लिए आवेदन करने के सात वर्ष पूर्व से भारत में मामूली तौर से निवासी है;

(ख) भारतीय उद्भव का वह व्यक्ति जो अविभक्त भारत के बाहर किसी देश या स्थान में मामूली तौर से निवासी है;

(ग) कोई व्यक्ति जो भारत के किसी नागरिक से विवाहित है और रजिस्ट्रीकरण के लिए आवेदन करने के सात वर्ष पूर्व से भारत में मामूली तौर से निवासी है;

(घ) ऐसे व्यक्तियों के, जो भारत के नागरिक हैं, अप्राप्तवय बालक;

(ङ) वय: प्राप्त और पूर्ण सामर्थ्य का ऐसा व्यक्ति जिसके पिता-माता इस उपधारा के खंड (क) या धारा 6 की उपधारा (1) के अधीन भारत के नागरिकों के रूप में रजिस्ट्रीकृत हैं;

(च) वय: प्राप्त और पूर्ण सामर्थ्य का ऐसा व्यक्ति जो या जिसके पिता/माता में से कोई पहले स्वतंत्र भारत का नागरिक था और रजिस्ट्रीकरण के लिए कोई आवेदन करने के ठीक ³[बारह मास पूर्व से भारत में मामूली तौर से निवासी है];

(छ) वय: प्राप्त और पूर्ण सामर्थ्य का ऐसा व्यक्ति जो ³[भारत का कार्ड धारक विदेशी नागरिक] के रूप में पांच वर्ष से रजिस्ट्रीकृत किया गया है और जो रजिस्ट्रीकरण के लिए कोई आवेदन करने के ³[बारह मास पूर्व से भारत में मामूली तौर से निवासी है]।

स्पष्टीकरण 1—खंड (क) और खंड (ग) के प्रयोजनों के लिए, किसी आवेदक को भारत में मामूली तौर से निवासी समझा जाएगा, यदि,—

(i) वह रजिस्ट्रीकरण के लिए आवेदन करने के ठीक बारह मास पूर्व की संपूर्ण अवधि में भारत में रहा है; और

(ii) उसने बारह मास की उक्त अवधि के ठीक पूर्ववर्ती आठ वर्षों के दौरान कम से कम छह वर्ष की अवधि के लिए भारत में निवास किया है।

स्पष्टीकरण 2—इस उपधारा के प्रयोजनों के लिए कोई व्यक्ति भारतीय उद्भव का समझा जाएगा यदि वह या उसके पिता-माता में से कोई अविभक्त भारत में या ऐसे अन्य राज्यक्षेत्र में, जो 15 अगस्त, 1947 के पश्चात् भारत का भाग हो गया है, पैदा हुआ था।]

⁴[(1क) केन्द्रीय सरकार, यदि उसका यह समाधान हो जाता है कि विशेष परिस्थितियां विद्यमान हैं, परिस्थितियों को अभिलिखित करने के पश्चात् उपधारा (1) के खंड (च) और खंड (छ) तथा स्पष्टीकरण 1 के खंड (i) में विनिर्दिष्ट बारह मास की अवधि को अधिकतम तीस दिन के लिए, जो विभिन्न खंडों में हो सकेगी, शिथिल कर सकेगी।]

(2) कोई भी वय: प्राप्त व्यक्ति उपधारा (1) के अधीन भारत के नागरिकों के रूप में तब तक रजिस्ट्रीकृत नहीं किया जाएगा जब तक उसने द्वितीय अनुसूची में विनिर्दिष्ट प्ररूप में राजनिष्ठा की शपथ न ले ली हो।

¹ 1992 के अधिनियम सं० 39 की धारा 2 द्वारा “कोई भी पुरुष व्यक्ति” के स्थान पर प्रतिस्थापित।

² 2004 के अधिनियम सं० 6 की धारा 5 द्वारा प्रतिस्थापित।

³ 2015 के अधिनियम सं० 1 की धारा 3 द्वारा प्रतिस्थापित।

⁴ 2015 के अधिनियम सं० 1 की धारा 3 द्वारा अंतःस्थापित।

(3) कोई भी व्यक्ति जिसने अपनी भारतीय नागरिकता त्याग दी है या जो उससे वंचित कर दिया गया है या जिसकी भारतीय नागरिकता इस अधिनियम के अधीन पर्यवसित हो गई है, उपधारा (1) के अधीन भारतीय नागरिक के रूप में केन्द्रीय सरकार के आदेश के बिना रजिस्ट्रीकृत नहीं किया जाएगा।

(4) यदि केन्द्रीय सरकार का समाधान हो जाता है कि ऐसे रजिस्ट्रीकरण को न्यायोचित ठहराने वाली विशेष परिस्थितियाँ हैं, तो वह किसी अप्राप्तवय को भारतीय नागरिक के रूप में रजिस्ट्रीकृत करा सकेगी।

(5) इस धारा के अधीन रजिस्ट्रीकृत व्यक्ति रजिस्ट्रीकरण द्वारा भारत का नागरिक उस तारीख से ही हो जाएगा जिसको वह इस प्रकार रजिस्ट्रीकृत किया जाता है; और संविधान के अनुच्छेद 6 के खण्ड (ख)(ii) के या अनुच्छेद 8 के उपबन्धों के अधीन रजिस्ट्रीकृत व्यक्ति संविधान के प्रारम्भ से या उस तारीख से ही जिसको वह इस प्रकार रजिस्ट्रीकृत किया गया था इनमें से जो भी पश्चात्पूर्ति हो, रजिस्ट्रीकरण द्वारा भारत का नागरिक समझा जाएगा।

¹[(6) यदि केन्द्रीय सरकार का समाधान हो जाता है कि ऐसी परिस्थितियाँ विद्यमान हैं जो किसी व्यक्ति या व्यक्तियों के वर्ग को उपधारा (1) के खंड (ग) के अधीन निवास संबंधी अपेक्षा से छूट देना आवश्यक बनाती है तो वह, लेखबद्ध किए जाने वाले कारणों से, ऐसी छूट दे सकेगी।]

6. देशीयकरण द्वारा नागरिकता—(1) जहाँ कि वयः प्राप्त के और पूर्ण सामर्थ्य के किसी ऐसे व्यक्ति द्वारा, ²[जो अवैध प्रवासी नहीं है], देशीयकरण प्रमाणपत्र के अनुदान के लिए विहित रीति में आवेदन किया जाता है, वहाँ यदि केन्द्रीय सरकार का समाधान हो जाता है कि आवेदक तृतीय अनुसूची के उपबन्धों के अधीन देशीयकरण के लिए अर्हित है, तो वह उसे देशीयकरण प्रमाणपत्र अनुदत्त कर सकेगी :

परन्तु यदि केन्द्रीय सरकार की राय में आवेदक ऐसा व्यक्ति है जिसने विज्ञान, दर्शन, कला, साहित्य, विश्व शान्ति या साधारणतः मानव प्रगति के निमित्त विशिष्ट सेवा की है, तो वह तृतीय अनुसूची में विनिर्दिष्ट सब शर्तों का या उनमें से किसी का भी अधित्यजन कर सकेगी।

(2) जिस व्यक्ति को उपधारा (1) के अधीन देशीयकरण प्रमाणपत्र अनुदत्त किया गया है वह द्वितीय अनुसूची में विनिर्दिष्ट प्ररूप में राजनिष्ठा की शपथ लेने पर उस तारीख से ही जिसको वह प्रमाणपत्र अनुदत्त किया गया है, देशीकरण द्वारा भारत का नागरिक होगा।

³[**6क. असम सहमति के अन्तर्गत आने वाले व्यक्तियों की नागरिकता के बारे में विशेष उपबन्ध—**(1) इस धारा के प्रयोजनों के लिए,—

(क) “असम” से नागरिकता (संशोधन) अधिनियम, 1985 के प्रारंभ के ठीक पूर्व असम राज्य में सम्मिलित राज्यक्षेत्र अभिप्रेत है;

(ख) “विदेशी होने का पता चलना” से विदेशियों विषयक अधिनियम, 1946 (1946 का 31) और विदेशियों विषयक (अधिकरण) आदेश, 1964 के उपबन्धों के अनुसार उक्त आदेश के अधीन गठित अधिकरण द्वारा विदेशी होने का पता चलना अभिप्रेत है;

(ग) “विनिर्दिष्ट राज्यक्षेत्र” से नागरिकता (संशोधन) अधिनियम, 1985 के आरम्भ के ठीक पूर्व बंगलादेश में सम्मिलित राज्यक्षेत्र अभिप्रेत है;

(घ) कोई व्यक्ति भारतीय उद्भव का समझा जाएगा यदि वह अथवा उसके माता या पिता में से कोई अथवा उसके पितामह या मातामह या पितामही या मातामही में से कोई अविभक्त भारत में पैदा हुआ था;

(ङ) किसी व्यक्ति के बारे में यह समझा जाएगा कि उसके विदेशी होने का उस तारीख को पता चला है जिसको विदेशियों विषयक (अधिकरण) आदेश, 1964 के अधीन गठित अधिकरण इस आशय की अपनी राय कि वह विदेशी है, संबंधित अधिकारी या प्राधिकारी को प्रस्तुत करता है।

(2) उपधारा (6) और उपधारा (7) के उपबन्धों के अधीन रहते हुए भारतीय उद्भव के उन सभी व्यक्तियों को, जो विनिर्दिष्ट राज्यक्षेत्र से असम में 1 जनवरी, 1966 के पूर्व आए हैं (जिनके अन्तर्गत वे व्यक्ति हैं; जिनके नाम 1967 में हुए लोक सभा के साधारण निर्वाचन के प्रयोजनों के लिए उपयोग की गई निर्वाचक नामावली में सम्मिलित किए गए थे) और जो असम में अपने प्रवेश की तारीख से असम में मामूली तौर से निवासी रहे हैं, 1 जनवरी, 1966 से ही भारत का नागरिक समझा जाएगा।

(3) उपधारा (6) और उपधारा (7) के उपबन्धों के अधीन रहते हुए, भारतीय उद्भव का प्रत्येक ऐसा व्यक्ति—

(क) जो विनिर्दिष्ट राज्यक्षेत्र से 1 जनवरी, 1966 को या उसके पश्चात् किन्तु 25 मार्च, 1971 के पूर्व असम में आया है; और

¹ 2004 के अधिनियम सं० 6 की धारा 5 द्वारा अन्तःस्थापित।

² 2004 के अधिनियम सं० 6 की धारा 6 द्वारा प्रतिस्थापित।

³ 1985 के अधिनियम सं० 65 की धारा 2 द्वारा (7-12-1985 से) अन्तःस्थापित।

(ख) जो असम में अपने प्रवेश की तारीख से असम में मामूली तौर से निवासी रहा है; और

(ग) जिसके विदेशी होने का पता चला है,

धारा 18 के अधीन इस निमित्त केन्द्रीय सरकार द्वारा बनाए गए नियमों के अनुसार ऐसे प्राधिकारी के पास (जिसे इस उपधारा में इसके पश्चात् रजिस्ट्रीकरण प्राधिकारी कहा गया है) जो ऐसे नियमों में विनिर्दिष्ट किया जाए, अपने को रजिस्ट्रीकृत कराएगा और यदि उसका नाम ऐसे पता चलने की तारीख को किसी सभा निर्वाचन-क्षेत्र या संसदीय निर्वाचन-क्षेत्र के लिए प्रवृत्त किसी निर्वाचक नामावली में सम्मिलित है तो उसके नाम का वहां से लोप कर दिया जाएगा।

स्पष्टीकरण—इस उपधारा के अधीन रजिस्ट्रीकरण चाहने वाले प्रत्येक व्यक्ति के मामले में, विदेशियों विषयक (अधिकरण) आदेश, 1964 के अधीन गठित अधिकरण की उस राय को, जिसमें ऐसे व्यक्ति को विदेशी अभिनिर्धारित किया गया है, इस उपधारा के खण्ड (ग) के अधीन अपेक्षाओं का पर्याप्त सबूत माना जाएगा और यदि इस बारे में कोई प्रश्न उठता है कि क्या ऐसा व्यक्ति इस उपधारा के अधीन कोई अन्य अपेक्षा पूरी करता है तो रजिस्ट्रीकरण प्राधिकारी,—

(i) यदि ऐसी राय में ऐसी अन्य अपेक्षा के संबंध में कोई निष्कर्ष है तो उस प्रश्न का ऐसे निष्कर्ष के अनुरूप विनिश्चय करेगा;

(ii) यदि ऐसी राय में ऐसी अन्य अपेक्षा के संबंध में कोई निष्कर्ष नहीं है तो उस प्रश्न को उक्त आदेश के अधीन गठित किसी ऐसे अधिकरण को, जो अधिकारिता रखता है, ऐसे नियमों के अनुसार जो केन्द्रीय सरकार धारा 18 के अधीन इस निमित्त बनाए, निर्देशित करेगा और उस प्रश्न का ऐसे निर्देश पर प्राप्त राय के अनुरूप विनिश्चय करेगा।

(4) उपधारा (3) के अधीन रजिस्ट्रीकृत व्यक्ति के, उस तारीख से ही जिसको उसके विदेशी होने का पता चला है, और उस तारीख से दस वर्ष की अवधि के अवसान तक वही अधिकार और बाध्यताएं होंगी जो भारतीय नागरिक की हैं (जिनके अन्तर्गत पासपोर्ट अधिनियम, 1967 (1967 का 15) के अधीन पासपोर्ट अभिप्राप्त करने के अधिकार और उससे सम्बन्धित बाध्यताएं हैं) किन्तु वह उक्त दस वर्ष की अवधि के अवसान के पूर्व किसी समय किसी सभा निर्वाचन-क्षेत्र या संसदीय निर्वाचन-क्षेत्र के लिए किसी निर्वाचक नामावली में अपना नाम सम्मिलित कराने का हकदार नहीं होगा।

(5) उपधारा (3) के अधीन रजिस्ट्रीकृत कोई व्यक्ति उस तारीख से जिसको उसके विदेशी होने का पता चला है दस वर्ष की अवधि के अवसान की तारीख से ही सभी प्रयोजनों के लिए भारत का नागरिक समझा जाएगा।

(6) धारा 8 के उपबन्धों पर प्रतिकूल प्रभाव डाले बिना,—

(क) यदि उपधारा (2) में निर्दिष्ट कोई व्यक्ति नागरिकता (संशोधन) अधिनियम, 1985 के प्रारंभ की तारीख से साठ दिन के भीतर विहित रीति से और विहित प्ररूप में तथा विहित प्राधिकारी को यह घोषणा प्रस्तुत करता है कि वह भारत का नागरिक नहीं होना चाहता है तो ऐसे व्यक्ति के बारे में यह समझा जाएगा कि वह उस उपधारा के अधीन भारत का नागरिक नहीं हुआ है;

(ख) यदि उपधारा (3) में निर्दिष्ट कोई व्यक्ति, नागरिकता (संशोधन) अधिनियम, 1985 के प्रारंभ की तारीख से या उस तारीख से जिसको उसके विदेशी होने का पता चला है, इनमें से जो पश्चात्कर्ती हो, साठ दिन के भीतर विहित रीति से और विहित प्ररूप में तथा विहित प्राधिकारी को यह घोषणा प्रस्तुत करता है कि वह उस उपधारा तथा उपधारा (4) और उपधारा (5) के उपबन्धों द्वारा शासित नहीं होना चाहता है तो ऐसे व्यक्ति के लिए यह आवश्यक नहीं होगा कि वह उपधारा (3) के अधीन अपने को रजिस्ट्रीकृत कराए।

स्पष्टीकरण—जहां कोई व्यक्ति, जिससे इस उपधारा के अधीन कोई घोषणा फाइल करने की अपेक्षा की जाती है संविदा करने के लिए समर्थ नहीं है वहां ऐसी घोषणा उसकी ओर से किसी ऐसे व्यक्ति द्वारा फाइल की जा सकेगी जो तत्समय प्रवृत्त किसी विधि के अधीन उसकी ओर से कार्य करने के लिए सक्षम है।

(7) उपधारा (2) से उपधारा (6) की कोई बात किसी ऐसे व्यक्ति के सम्बन्ध में लागू नहीं होगी,—

(क) जो नागरिकता (संशोधन) अधिनियम, 1985 के प्रारंभ के ठीक पूर्व भारत का नागरिक है;

(ख) जो नागरिकता (संशोधन) अधिनियम, 1985 के प्रारंभ के पूर्व विदेशियों विषयक अधिनियम, 1946 (1946 का 31) के अधीन भारत से निष्कासित किया गया था।

(8) इस धारा में अभिव्यक्त रूप से जैसा अन्यथा उपबन्धित है उसके सिवाय, इस धारा के उपबन्ध तत्समय प्रवृत्त किसी अन्य विधि में किसी बात के होते हुए भी प्रभावी होंगे।]

7. राज्यक्षेत्र में मिल जाने से नागरिकता—यदि कोई राज्यक्षेत्र भारत का भाग बन जाता है, तो केन्द्रीय सरकार शासकीय राजपत्र में अधिसूचित आदेश द्वारा, उन व्यक्तियों को विनिर्दिष्ट कर सकेगी जो उस राज्यक्षेत्र से अपने संसंग के कारण भारत के नागरिक होंगे; और वे व्यक्ति भारत के नागरिक उस तारीख से ही, जो उस आदेश में विनिर्दिष्ट की जाएगी, हो जाएंगे।

¹[विदेशी नागरिकता]

²7क. भारत के कार्ड धारक विदेशी नागरिक का रजिस्ट्रीकरण—(1) केन्द्रीय सरकार, ऐसी शर्तों, निर्बंधनों और रीति के अधीन रहते हुए, जो विहित किए जाएं, इस निमित्त किए गए किसी आवेदन पर,—

(क) किसी वयः प्राप्त और पूर्ण सामर्थ्य के ऐसे व्यक्ति को,—

(i) जो दूसरे देश का नागरिक है, किन्तु संविधान के प्रारंभ के समय या उसके पश्चात् किसी समय भारत का नागरिक था; या

(ii) जो दूसरे देश का नागरिक है, किन्तु संविधान के प्रारंभ के समय भारत का नागरिक होने के लिए पात्र था; या

(iii) जो दूसरे देश का नागरिक है, किन्तु ऐसे राज्यक्षेत्र से संबद्ध था, जो 15 अगस्त, 1947 के पश्चात् भारत का भाग बन गया था; या

(iv) जो किसी ऐसे नागरिक का पुत्र/पुत्री या पौत्र/पौत्री, दौहित्र/दौहित्री या प्रपौत्र/प्रपौत्री, प्रदौहित्र/प्रदौहित्री है; या

(ख) किसी ऐसे व्यक्ति को, जो खंड (क) में वर्णित किसी व्यक्ति का अप्राप्तवय पुत्र/पुत्री है; या

(ग) किसी ऐसे व्यक्ति को, जो अप्राप्तवय पुत्र/पुत्री है और जिसके माता-पिता दोनों भारत के नागरिक हैं या माता-पिता में से एक भारत का नागरिक है; या

(घ) भारत के किसी नागरिक के विदेशी मूल के पति या पत्नी को या धारा 7क के अधीन रजिस्ट्रीकृत भारत के कार्ड धारक विदेशी नागरिक के विदेशी मूल के पति या पत्नी को और जिसका विवाह इस धारा के अधीन आवेदन प्रस्तुत करने के ठीक पहले रजिस्ट्रीकृत हो गया है और दो वर्ष से अन्यून की निरंतर अवधि तक बना हुआ है,

भारत के कार्ड धारक विदेशी नागरिक के रूप में रजिस्ट्रीकृत कर सकेगी :

परंतु भारत के कार्डधारक विदेशी नागरिक के रूप में रजिस्ट्रीकरण की पात्रता के लिए ऐसे पति या पत्नी को भारत में किसी सक्षम प्राधिकारी से पूर्विक सुरक्षा अनापत्ति प्रमाणपत्र लेना होगा :

परंतु यह और कि कोई ऐसा व्यक्ति, जो स्वयं या जिसके माता-पिता या पितामह-पितामही या प्रपितामह-प्रपितामही पाकिस्तान, बंगलादेश या ऐसे अन्य देश का, जिसको केन्द्रीय सरकार, राजपत्र में अधिसूचना द्वारा विनिर्दिष्ट करे, नागरिक है या रहा था, इस उपधारा के अधीन भारत के कार्ड धारक विदेशी नागरिक के रूप में रजिस्ट्रीकरण के लिए पात्र नहीं होगा ।

(2) केन्द्रीय सरकार, राजपत्र में अधिसूचना द्वारा, ऐसी तारीख विनिर्दिष्ट कर सकेगी जिससे भारतीय मूल के विद्यमान कार्ड धारक व्यक्तियों को भारत का कार्डधारक विदेशी नागरिक समझा जाएगा ।

स्पष्टीकरण—उपधारा (2) के प्रयोजनों के लिए, भारतीय मूल के कार्डधारक व्यक्तियों से इस संबंध में केन्द्रीय सरकार द्वारा जारी की गई अधिसूचना संख्या 26011/4/98 एफ०आई० तारीख 19 अगस्त, 2002 के अधीन उस रूप में रजिस्ट्रीकृत व्यक्ति अभिप्रेत हैं ।

(3) उपधारा (1) में अन्तर्विष्ट किसी बात के होते हुए भी केन्द्रीय सरकार, यदि उसका यह समाधान हो जाता है कि विशेष परिस्थितियां विद्यमान हैं, लिखित में परिस्थितियां अभिलिखित करने के पश्चात् ऐसे व्यक्ति को भारत के कार्डधारक विदेशी नागरिक के रूप में रजिस्टर कर सकेगी ।

7ख. भारत के कार्डधारक विदेशी नागरिक को अधिकार प्रदान किया जाना—(1) तत्समय प्रवृत्त किसी अन्य विधि में अंतर्विष्ट किसी बात के होते हुए भी, भारत का कार्ड धारक कोई विदेशी नागरिक, उपधारा (2) के अधीन विनिर्दिष्ट अधिकारों से भिन्न, ऐसे अधिकारों का, जो केन्द्रीय सरकार, राजपत्र में अधिसूचना द्वारा इस निमित्त विनिर्दिष्ट करे, हकदार होगा ।

(2) भारत का कार्डधारक कोई विदेशी नागरिक,—

(क) लोक नियोजन के विषय में अवसर की समता के बारे में संविधान के अनुच्छेद 16 के अधीन;

(ख) राष्ट्रपति के रूप में निर्वाचन के लिए संविधान के अनुच्छेद 58 के अधीन;

(ग) उपराष्ट्रपति के रूप में निर्वाचन के लिए संविधान के अनुच्छेद 66 के अधीन;

(घ) उच्चतम न्यायालय के किसी न्यायाधीश के रूप में नियुक्ति के लिए संविधान के अनुच्छेद 124 के अधीन;

¹ 2004 के अधिनियम सं० 6 की धारा 7 द्वारा अंतःस्थापित ।

² 2015 के अधिनियम सं० 1 की धारा 4 द्वारा प्रतिस्थापित ।

(ङ) उच्च न्यायालय के किसी न्यायाधीश के रूप में नियुक्ति के लिए संविधान के अनुच्छेद 217 के अधीन;

(च) मतदाता के रूप में रजिस्ट्रीकरण के संबंध में लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 16 के अधीन;

(छ) यथास्थिति, लोक सभा या राज्य सभा का सदस्य होने के लिए पात्रता के संबंध में लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 3 और धारा 4 के अधीन;

(ज) किसी राज्य की, यथास्थिति, विधान सभा या विधान परिषद् का सदस्य होने के लिए पात्रता के संबंध में लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 5, धारा 5क और धारा 6 के अधीन;

(झ) संघ या किसी राज्य के क्रियाकलापों के संबंध में लोक सेवाओं और पदों पर नियुक्ति के लिए, सिवाय ऐसी सेवाओं और पदों पर नियुक्ति के लिए, जो केन्द्रीय सरकार इस निमित्त विशेष आदेश द्वारा विनिर्दिष्ट करे,

भारत के नागरिक को प्रदान किए गए अधिकारों का हकदार नहीं होगा।

(3) उपधारा (1) के अधीन जारी की गई प्रत्येक अधिसूचना संसद् के प्रत्येक सदन के समक्ष रखी जाएगी।

7ग. भारत के विदेशी नागरिक के कार्ड का त्यजन—(1) यदि वयः प्राप्त और पूर्ण सामर्थ्य का भारत का कार्डधारक कोई विदेशी नागरिक विहित रीति में भारत के कार्डधारक विदेशी नागरिक के रूप में उसे रजिस्टर किए जाने संबंधी कार्ड का त्यजन करते हुए कोई घोषणा करता है तो वह घोषणा केन्द्रीय सरकार द्वारा रजिस्ट्रीकृत की जाएगी और ऐसे रजिस्ट्रीकरण पर ऐसा व्यक्ति भारत का कार्डधारक विदेशी नागरिक नहीं रह जाएगा।

(2) जहां कोई व्यक्ति उपधारा (1) के अधीन भारत का कार्डधारक विदेशी नागरिक नहीं रह जाता है वहां उस व्यक्ति का विदेशी मूल का पति या पत्नी, जिसने धारा 7क की उपधारा (1) के खंड (घ) के अधीन भारत के विदेशी नागरिक होने का कार्ड अभिप्राप्त किया है और उस व्यक्ति का भारत के विदेशी नागरिक के रूप में रजिस्ट्रीकृत प्रत्येक अप्राप्तवय बालक तदुपरि भारत का कार्डधारक विदेशी नागरिक नहीं रह जाएगा।

7घ. भारत के कार्डधारक विदेशी नागरिक के रूप में रजिस्ट्रीकरण का रद्दकरण—(1) केन्द्रीय सरकार, आदेश द्वारा, धारा 7क की उपधारा (1) के अधीन अनुदत्त रजिस्ट्रीकरण को रद्द कर सकेगी, यदि उसका यह समाधान हो जाता है कि,—

(क) भारत के कार्डधारक विदेशी नागरिक के रूप में रजिस्ट्रीकरण कपट, मिथ्या व्यपदेशन द्वारा या किसी तात्त्विक तथ्य को छिपाकर अभिप्राप्त किया गया था; या

(ख) भारत के कार्डधारक विदेशी नागरिक ने विधि द्वारा यथास्थापित भारत के संविधान के प्रति अप्रीतिपूर्ण दर्शित किया है; या

(ग) भारत के कार्डधारक विदेशी नागरिक ने, किसी ऐसे युद्ध के दौरान, जिसमें भारत लगा हुआ हो, किसी शत्रु के साथ विधिविरुद्धतया व्यापार किया है या संचार किया है या वह किसी ऐसे कारबार या वाणिज्यिक क्रियाकलाप में लगा रहा है या उससे सहयुक्त रहा है, जिसके बारे में उसे यह ज्ञात था कि वह ऐसी रीति से चलाया जा रहा है कि उससे उस युद्ध में किसी शत्रु को सहायता मिले; या

(घ) भारत के कार्डधारक विदेशी नागरिक को, धारा 7क की उपधारा (1) के अधीन रजिस्ट्रीकरण के पश्चात् पांच वर्ष के भीतर, दो वर्ष से अन्यून की अवधि के लिए कारावास से दंडादिष्ट हो चुका है; या

(ङ) भारत की प्रभुता और अखंडता, भारत की सुरक्षा, किसी विदेश के साथ भारत के मित्रतापूर्ण संबंधों के हितों में या जनसाधारण के हितों में ऐसा करना आवश्यक है; या

(च) भारत के ऐसे किसी कार्डधारक विदेशी नागरिक का, जिसने धारा 7क की उपधारा (1) के खंड (घ) के अधीन ऐसा कार्ड अभिप्राप्त किया है, विवाह,—

(i) किसी सक्षम न्यायालय द्वारा अन्यथा विघटित कर दिया गया है; या

(ii) विघटित नहीं किया गया है, किन्तु ऐसे विवाह के बने रहने के दौरान, उसने किसी अन्य व्यक्ति के साथ विवाह का अनुष्ठापन किया है।]

नागरिकता का पर्यवसान

8. नागरिकता का त्यजन—(1) यदि वयः प्राप्त और पूर्ण सामर्थ्य का भारत का कोई नागरिक ¹* * * अपनी भारतीय नागरिकता के त्यजन की घोषणा विहित रीति में करता है, तो वह घोषणा विहित प्राधिकारी द्वारा रजिस्ट्रीकृत की जाएगी, और ऐसे रजिस्ट्रीकरण पर वह व्यक्ति भारत का नागरिक न रह जाएगा :

¹ 2004 के अधिनियम सं० 6 की धारा 8 द्वारा लोप किया गया।

परन्तु यदि ऐसी कोई घोषणा किसी ऐसे युद्ध के दौरान की जाती है जिसमें भारत लगा हुआ हो, तो उसका रजिस्ट्रीकरण तब तक निर्धारित रखा जाएगा जब तक केन्द्रीय सरकार अन्यथा निदेश नहीं दे देती।

(2) जहां कि ¹[कोई व्यक्ति] भारत का नागरिक उपधारा (1) के अधीन नहीं रह जाता है, वहां उस व्यक्ति का हर अप्राप्तवय बच्चा तदुपरि भारत का नागरिक न रह जाएगा :

परन्तु ऐसा कोई भी बच्चा वयः प्राप्त हो जाने के पश्चात् एक वर्ष के अन्दर ²[विहित प्ररूप में और रीति से ऐसी कोई घोषणा] कर सकेगा कि वह भारतीय नागरिकता पुनर्ग्रहण करना चाहता है और तदुपरि वह पुनः भारत का नागरिक हो जाएगा।

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9. नागरिकता का पर्यवसान—(1) भारत का कोई नागरिक जो किसी अन्य देश की नागरिकता देशीयकरण द्वारा, रजिस्ट्रीकरण द्वारा या अन्यथा स्वेच्छया अर्जित कर लेता है या जिसने 26 फरवरी, 1950 और इस अधिनियम के प्रारंभ के बीच किसी समय स्वेच्छया अर्जित कर ली है, वह, यथास्थिति, ऐसे अर्जन या ऐसे प्रारम्भ पर भारत का नागरिक न रह जाएगा :

परन्तु इस उपधारा की कोई भी बात भारत के ऐसे नागरिक को, जो किसी ऐसे युद्ध के दौरान, जिसमें भारत लगा हुआ हो, किसी अन्य देश की नागरिकता का अर्जन स्वेच्छया करता है, तब तक लागू नहीं होगी जब तक केन्द्रीय सरकार अन्यथा निदेश नहीं दे देती।

(2) यदि इस बारे में कोई प्रश्न उठता है कि क्या, कब कैसे ⁴[किसी भारत के नागरिक ने] किसी देश की नागरिकता अर्जित की है, तो उसका अवधारण ऐसे प्राधिकारी द्वारा, ऐसी रीति में और साक्ष्य के ऐसे नियमों का ध्यान रखते हुए किया जाएगा जैसे इस निमित्त विहित किए जाए।

10. नागरिकता से वंचित किया जाना—(1) भारत का वह नागरिक, जो देशीयकरण द्वारा या संविधान के अनुच्छेद 5 के खण्ड (ग) के ही आधार पर या ऐसे रजिस्ट्रीकरण द्वारा जो संविधान के अनुच्छेद 6 के खण्ड (ख) (ii) या इस अधिनियम की धारा 5 की उपधारा (1) के खण्ड (क) के अधीन के रजिस्ट्रीकरण से भिन्न है, भारत का नागरिक नहीं रह जाएगा यदि उसे इस धारा के अधीन केन्द्रीय सरकार के आदेश द्वारा उस नागरिकता से वंचित कर दिया जाता है।

(2) इस धारा के उपबन्धों के अध्यक्षीन रहते हुए यह है कि केन्द्रीय सरकार ऐसे किसी नागरिक को भारतीय नागरिकता से आदेश द्वारा उस दशा में वंचित कर सकेगी जिसमें कि उसका समाधान हो जाता है—

(क) रजिस्ट्रीकरण या देशीयकरण का प्रमाणपत्र कपट, मिथ्या व्यपदेशन या किसी तात्त्विक तथ्य को छिपाने द्वारा अभिप्राप्त किया गया था; अथवा

(ख) उस नागरिक ने अपने आपको कार्य या वाणी द्वारा या विधि द्वारा यथास्थापित भारत के संविधान के प्रति अभक्त या अप्रीतिपूर्ण दर्शित किया है, अथवा

(ग) उस नागरिक ने किसी ऐसे युद्ध के दौरान, जिसमें भारत लगा हुआ हो, किसी शत्रु के साथ विधिविरुद्धतया व्यापार किया है या संचार किया है या वह किसी ऐसे कारबार में लगा रहा या उससे सहयुक्त रहा है जिसके बारे में उसे यह ज्ञान था कि वह ऐसी रीति में चलाया जा रहा है कि उससे उस युद्ध में शत्रु को सहायता मिले; अथवा

(घ) वह नागरिक रजिस्ट्रीकरण या देशीयकरण के पश्चात् पांच वर्ष के अन्दर किसी देश में दो वर्ष से अन्यून अवधि के लिए कारावास से दण्डादिष्ट हो चुका है; अथवा

(ङ) वह नागरिक सात वर्ष की निरन्तर कालावधि के लिए भारत के बाहर मामूली तौर से निवासी रहा है और उस कालावधि के दौरान किसी भी समय वह न तो भारत के बाहर किसी देश में किसी शिक्षा-संस्था का विद्यार्थी या भारत में किसी सरकार की अथवा किसी ऐसे अन्तर्राष्ट्रीय संगठन की, जिसका भारत सदस्य है, सेवा में रहा है और न उसने भारत की नागरिकता को प्रतिधारित करने के अपने आशय को किसी भारतीय कौन्सलेट में विहित रीति में प्रतिवर्ष रजिस्ट्रीकृत किया है।

(3) केन्द्रीय सरकार इस धारा के अधीन किसी व्यक्ति को तब के सिवाय नागरिकता से वंचित नहीं करेगी जबकि उसका समाधान हो जाता है कि यह लोक कल्याण का साधक नहीं है कि वह व्यक्ति भारत का नागरिक बना रहे।

(4) इस धारा के अधीन आदेश करने से पूर्व केन्द्रीय सरकार उस व्यक्ति को, जिसके विरुद्ध आदेश करने की प्रस्थापना है, लिखित रूप से ऐसी सूचना देगी जिसमें उसे उस आधार की, जिस पर उस आदेश के किए जाने की प्रस्थापना है, और यदि वह आदेश

¹ 1992 के अधिनियम सं० 39 की धारा 3 द्वारा “कोई पुरुष व्यक्ति” के स्थान पर प्रतिस्थापित।

² 2004 के अधिनियम सं० 6 की धारा 8 द्वारा प्रतिस्थापित।

³ 2004 के अधिनियम सं० 6 की धारा 8 द्वारा लोप किया गया।

⁴ 2004 के अधिनियम सं० 6 की धारा 9 द्वारा प्रतिस्थापित।

उपधारा (2) में, उसके खण्ड (ड) को छोड़कर, विनिर्दिष्ट आधारों में से किसी आधार पर करने की प्रस्थापना है तो इस बात की कि विहित रीति में तन्निमित्त आवेदन करने पर इस धारा के अधीन जांच समिति को अपना मामला निर्देशित कराने का उसे अधिकार है, इत्तिहा दी गई होगी।

(5) यदि किसी व्यक्ति के विरुद्ध आदेश उपधारा (2) में, उसके खण्ड (ड) को छोड़कर, विनिर्दिष्ट आधारों में से किसी आधार पर करने की प्रस्थापना है और वह व्यक्ति विहित रीति में ऐसे आवेदन करता है, तो केन्द्रीय सरकार वह मामला ऐसी जांच समिति को, जो केन्द्रीय सरकार द्वारा इस निमित्त नियुक्त अध्यक्ष से (जो ऐसा व्यक्ति होगा जिसने कम से कम दस वर्ष तक कोई न्यायिक पद धारण किया है) और दो अन्य सदस्यों से मिलकर बनी होगी, निर्देशित करेगी और किसी अन्य दशा में उस मामले को निर्देशित कर सकेगी।

(6) जांच समिति ऐसे निर्देशन पर जांच ऐसी रीति में करेगी जैसी विहित की जाए और अपनी रिपोर्ट केन्द्रीय सरकार को निवेदित करेगी और केन्द्रीय सरकार का इस धारा के अधीन आदेश करने में मार्गदर्शन मामूली तौर से ऐसी रिपोर्ट द्वारा होगा।

अनुपूरक

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13. संदेह की दशा में नागरिकता का प्रमाणपत्र—केन्द्रीय सरकार ऐसे मामलों में, जिनको वह ठीक समझती है यह प्रमाणित कर सकेगी कि कोई व्यक्ति, जिसकी भारत की नागरिकता के बारे में कोई संदेह विद्यमान है, भारत का नागरिक है, और इस धारा के अधीन निकाला गया प्रमाणपत्र तब के सिवाय जब कि यह साबित कर दिया जाता है कि वह कपट, मिथ्या व्यपदेशन या किसी तात्त्विक तथ्य को छिपाने द्वारा अभिप्राप्त किया गया था, इस बात का निश्चायक साक्ष्य होगा कि वह व्यक्ति उस प्रमाणपत्र की तारीख को ऐसा नागरिक था किन्तु वह किसी ऐसे साक्ष्य पर कि वह उससे पूर्व किसी तारीख को ऐसा नागरिक था; प्रतिकूल प्रभाव नहीं डालेगी।

14. धारा 5 और धारा 6 के अधीन आवेदन का निपटारा—(1) विहित प्राधिकारी या केन्द्रीय सरकार स्वविवेकानुसार ²[धारा 5, धारा 6 और धारा 7क] के अधीन किसी आवेदन को मंजूर या नामंजूर कर सकेगी और ऐसी मंजूरी या नामंजूरी के लिए कोई कारण देने के लिए अपेक्षित नहीं होगी।

(2) धारा 15 के उपबन्धों के अधीन रहते हुए, विहित प्राधिकारी या केन्द्रीय सरकार का विनिश्चय किसी यथापूर्वोक्त आवेदन पर अन्तिम होगा और किसी न्यायालय में प्रश्नगत नहीं किया जाएगा।

³[**14क. राष्ट्रीय पहचानपत्रों का जारी करना**—(1) केन्द्रीय सरकार, भारत के प्रत्येक नागरिक को अनिवार्य रूप से रजिस्टर कर सकेगी और उसको राष्ट्रीय पहचान-पत्र जारी कर सकेगी।

(2) केन्द्रीय सरकार, भारतीय नागरिकों का राष्ट्रीय रजिस्टर रख सकेगी और उस प्रयोजन के लिए एक राष्ट्रीय रजिस्ट्रीकरण प्राधिकारण स्थापित कर सकेगी।

(3) नागरिकता (संशोधन) अधिनियम, 2003 के प्रारंभ की तारीख से ही, जन्म और मृत्यु रजिस्ट्रीकरण अधिनियम, 1969 (1969 का 18) की धारा 3 की उपधारा (1) के अधीन नियुक्त भारत का महारजिस्ट्रार, राष्ट्रीय रजिस्ट्रीकरण प्राधिकारी के रूप में कार्य करेगा और वह नागरिक रजिस्ट्रीकरण महारजिस्ट्रार के रूप में कृत्य करेगा।

(4) केन्द्रीय सरकार ऐसे अन्य अधिकारी और कर्मचारी नियुक्त कर सकेगी, जो नागरिक रजिस्ट्रीकरण महारजिस्ट्रार की, उसके कृत्यों और उत्तरदायित्वों के निर्वहन में, सहायता करने के लिए अपेक्षित हों।

(5) भारत के नागरिकों के अनिवार्य रजिस्ट्रीकरण में अपनाई जाने वाली प्रक्रिया ऐसी होगी जो विहित की जाए।]

15. पुनरीक्षण—(1) विहित प्राधिकारी या किसी आफिसर या (केन्द्रीय सरकार से भिन्न) अन्य प्राधिकारी द्वारा इस अधिनियम के अधीन किए गए किसी आदेश से व्यथित व्यक्ति, उस आदेश की तारीख से तीस दिन की कालावधि के अन्दर के पुनरीक्षण के लिए केन्द्रीय सरकार से आवेदन कर सकेगा :

परन्तु यदि केन्द्रीय सरकार का समाधान हो जाता है कि आवेदक समय पर आवेदन करने में पर्याप्त हेतुक से निवारित रहा था तो वह ऐसे आवेदन को तीस दिन की उक्त कालावधि के अवसान के पश्चात् भी ग्रहण कर सकेगी।

(2) उपधारा (1) के अधीन किसी ऐसे आवेदन की प्राप्ति पर केन्द्रीय सरकार व्यथित व्यक्ति के आवेदन और उस पर हुई किसी रिपोर्ट पर, जो आदेश करने वाला आफिसर या प्राधिकारी निवेदित करे, विचार करने के पश्चात् उस आवेदन के सम्बन्ध में ऐसा आदेश करेगी जैसा वह ठीक समझती है और केन्द्रीय सरकार का विनिश्चय अन्तिम होगा।

⁴[**15क. पुनर्विलोकन**—(1) केन्द्रीय सरकार द्वारा किए गए किसी आदेश से व्यथित कोई व्यक्ति, ऐसे आदेश की तारीख से तीस दिन के भीतर, ऐसे आदेश के पुनर्विलोकन के लिए आवेदन कर सकेगा :

¹ 2004 के अधिनियम सं० 6 की धारा 10 द्वारा लोप किया गया।

² 2004 के अधिनियम सं० 6 की धारा 11 द्वारा प्रतिस्थापित।

³ 2004 के अधिनियम सं० 6 की धारा 12 द्वारा अंतःस्थापित।

⁴ 2004 के अधिनियम सं० 6 की धारा 13 द्वारा अंतःस्थापित।

परंतु केंद्रीय सरकार तीस दिन की उक्त अवधि की समाप्ति के पश्चात्, यदि उसका यह समाधान हो जाता है कि आवेदक को समय से आवेदन करने से पर्याप्त कारण से निवारित किया गया था, आवेदन को ग्रहण कर सकेगी :

परंतु यह और कि धारा 14क के उपबन्धों के अनुसार पारित किसी आदेश के पुनरीक्षण के लिए किसी आवेदन का निपटारा उस प्रक्रिया में उपबन्धित रीति के अनुसार किया जाएगा, जो धारा 18 की उपधारा (2) के खंड (क) के अधीन अधिस्थित की जाए।

(2) उपधारा (1) के अधीन किसी आवेदन की प्राप्ति पर केंद्रीय सरकार ऐसा आदेश कर सकेगी जो वह ठीक समझे और ऐसे पुनर्विलोकन पर केंद्रीय सरकार का विनिश्चय अंतिम होगा।]

16. शक्तियों का प्रत्यायोजन—केंद्रीय सरकार आदेश द्वारा निदेश दे सकेगी कि कोई शक्ति, जो उसे इस अधिनियम की उसकी धारा 10 और धारा 18 के उपबन्धों से भिन्न उपबन्धों में से किसी उपबन्ध द्वारा प्रदत्त की गई है, ऐसी परिस्थितियों में और ऐसी शर्तों के, यदि कोई हों, अधीन जैसी आदेश में विनिर्दिष्ट की जाएं, ऐसे आफिसर या प्राधिकारी द्वारा प्रयोक्तव्य होंगी जैसा इस प्रकार विनिर्दिष्ट किया जाए।

17. अपराध—जो कोई व्यक्ति किसी बात का इस अधिनियम के अधीन किया जाना या न किया जाना उपाप्त करने के प्रयोजन के लिए जानते हुए कोई ऐसा व्यपदेशन करेगा जो किसी तात्त्विक विशिष्टि में मिथ्या है, वह कारावास से, जिसकी अवधि '[पांच वर्ष] तक की हो सकेगी, या '[जुर्मनि से, जो पचास हजार रुपए तक का हो सकेगा] या दोनों से, दण्डनीय होगा।

18. नियम बनाने की शक्ति—(1) केंद्रीय सरकार इस अधिनियम के प्रयोजनों को कार्यान्वित करने के लिए नियम शासकीय राजपत्र में अधिसूचना द्वारा, बना सकेगी।

(2) विशिष्टतया और पूर्वगामी शक्ति की व्यापकता पर प्रतिकूल प्रभाव डाले बिना ऐसे नियम निम्नलिखित के लिए उपबन्ध कर सकेंगे—

(क) इस अधिनियम के अधीन रजिस्ट्रीकृत होने के लिए अपेक्षित या प्राधिकृत किसी बात का रजिस्ट्रीकरण तथा ऐसे रजिस्ट्रीकरण के बारे में शर्तें और निबन्धन;

²[(कक) वह प्ररूप और रीति, जिसमें धारा 4 की उपधारा (1) के अधीन कोई घोषणा की जाएगी];

(ख) वे प्ररूप जो इस अधिनियम के अधीन उपयोग में लाए जाएंगे और वे रजिस्टर जो इस अधिनियम के अधीन रखे जाएंगे;

(ग) इस अधिनियम के अधीन राजनिष्ठा की शपथ दिलाना और लेना और वह समय जिसके अन्दर और वह रीति जिसमें ऐसी शपथें ली जाएंगी और अभिलिखित की जाएंगी;

(घ) किसी व्यक्ति द्वारा इस अधिनियम के अधीन दिए जाने के लिए, अपेक्षित या प्राधिकृत किसी सूचना का दिया जाना;

(ङ) इस अधिनियम के अधीन नागरिकता से वंचित किए गए व्यक्तियों के रजिस्ट्रीकरण का रद्दकरण और उनसे सम्बद्ध देशीयकरण के प्रमाणपत्रों का रद्दकरण और संशोधन और उन प्रयोजनों के लिए ऐसे प्रमाणपत्रों का परिदत्त किया जाना;

³[(डड) वह रीति जिससे और वह प्ररूप जिसमें तथा वह प्राधिकारी जिसको धारा 6क की उपधारा (6) के खंड (क) और (ख) में निर्दिष्ट घोषणाएं प्रस्तुत की जाएंगी और ऐसी घोषणाओं से सम्बन्धित अन्य विषय];

⁴[(डडक) ऐसी शर्तें और रीति जिनके अधीन किसी व्यक्ति को धारा 7क की उपधारा (1) के अधीन भारत के कार्डधारक विदेशी नागरिक के रूप में रजिस्ट्रीकृत किया जा सकेगा;

(डडख) धारा 7ग की उपधारा (1) के अधीन भारत के विदेशी नागरिक के कार्ड के त्यजन की घोषणाएं करने की रीति;]

(च) भारत के बाहर पैदा होने वाले या मरने वाले किसी वर्ग या अभिवर्णन के व्यक्तियों के जन्मों और मृत्युओं का भारतीय कौन्सलेटों में रजिस्ट्रीकरण;

(छ) इस अधिनियम के अधीन के आवेदनों, रजिस्ट्रीकरणों, घोषणाओं और प्रमाणपत्रों के सम्बन्ध में, राजनिष्ठा की शपथ लेने के सम्बन्ध में और दस्तावेजों की प्रमाणित या अन्य प्रतियों के प्रदाय के सम्बन्ध में फीसों का उद्ग्रहण और संग्रहण;

¹ 2004 के अधिनियम सं० 6 की धारा 14 द्वारा प्रतिस्थापित।

² 2004 के अधिनियम सं० 6 की धारा 15 द्वारा अन्तःस्थापित।

³ 1985 के अधिनियम सं० 65 की धारा 3 द्वारा (7-12-1985 से) अंतःस्थापित।

⁴ 2015 के अधिनियम सं० 1 की धारा 5 द्वारा अंतःस्थापित।

(ज) किसी अन्य देश की नागरिकता के अर्जन के प्रश्न को अवधारित करने के लिए प्राधिकारी, वह प्रक्रिया जिसका अनुसरण ऐसे प्राधिकारी द्वारा किया जाएगा और ऐसे मामलों से सम्बद्ध साक्ष्य के नियम;

(झ) वह प्रक्रिया जिसका अनुसरण धारा 10 के अधीन नियुक्त की गई जांच समितियों द्वारा किया जाएगा और ऐसी समितियों को सिविल न्यायालयों की शक्तियों, अधिकारों और विशेषाधिकारों में से किसी का प्रदाय;

¹[(झक) धारा 14क की उपधारा (5) के अधीन भारत के नागरिक के अनिवार्य रजिस्ट्रीकरण में अपनाई जाने वाली प्रक्रिया;]

(ञ) वह रीति जिसमें पुनरीक्षण के लिए आवेदन किया जा सकेगा और वह प्रक्रिया जिसका अनुसरण ऐसे आवेदनों को निपटाने में केन्द्रीय सरकार द्वारा किया जाएगा; तथा

(ट) कोई अन्य विषय जो इस अधिनियम के अधीन विहित किया जाना है या किया जाए।

(3) इस धारा के अधीन कोई नियम बनाने में केन्द्रीय सरकार यह उपबन्ध कर सकेगी कि उसका भंग जुमनि से, जो एक हजार रुपए तक का हो सकेगा, दण्डनीय होगा :

¹[परंतु यह कि उपधारा (2) के खंड (झक) में विनिर्दिष्ट किसी विषय के संबंध में बनाया गया कोई नियम यह उपबन्ध कर सकेगा कि उसका कोई भंग ऐसी अवधि के करावास से, जो तीन मास तक की हो सकेगी या जुमनि से जो पांच हजार रुपए तक का हो सकेगा या दोनों से दंडनीय होगा।]

²[(4) इस धारा के अधीन बनाया गया प्रत्येक नियम, बनाए जाने के पश्चात् यथाशीघ्र, संसद् के प्रत्येक सदन के समक्ष, जब वह सत्र में हो, कुल तीस दिन की अवधि के लिए रखा जाएगा। यह अवधि एक सत्र में अथवा दो या अधिक आनुक्रमिक सत्रों में पूरी हो सकेगी। यदि उस सत्र के या पूर्वोक्त आनुक्रमिक सत्रों के ठीक बाद के सत्र के अवसान के पूर्व दोनों सदन उस नियम में कोई परिवर्तन करने के लिए सहमत हो जाएं तो तत्पश्चात् वह ऐसे परिवर्तित रूप में ही प्रभावी होगा। यदि उक्त अवसान के पूर्व दोनों सदन सहमत हो जाएं कि वह नियम नहीं बनाया जाना चाहिए तो तत्पश्चात् वह निष्प्रभाव हो जाएगा। किन्तु नियम के ऐसे परिवर्तित या निष्प्रभाव होने से उसके अधीन पहले की गई किसी बात की विधिमान्यता पर प्रतिकूल प्रभाव नहीं पड़ेगा।]

19. [निरसित।]—निरसन और संशोधन अधिनियम, 1960 (1960 का अधिनियम सं० 58) की धारा 2 और प्रथम अनुसूची द्वारा निरसित।

3* * * * *

⁴[द्वितीय अनुसूची

[धारा 5(2) और धारा 6(2) देखिए]

राजनिष्ठा की शपथ

मैं, क ख सत्यनिष्ठा से प्रतिज्ञान करता हूं (या शपथ लेता हूं) कि मैं विधि द्वारा स्थापित भारत के संविधान के प्रति सच्ची श्रद्धा और निष्ठा रखूंगा और यह कि मैं भारत की विधियों का श्रद्धापूर्वक अनुपालन करूंगा और भारत के नागरिक के रूप में अपने कर्तव्यों को पूरा करूंगा।]

तृतीय अनुसूची

[धारा 6(1) देखिए]

देशीयकरण के लिए अर्हताएं

ऐसे व्यक्ति के देशीकरण के लिए, ⁵* * * अर्हताएं ये हैं कि—

(क) वह किसी ऐसे देश की प्रजा या नागरिक नहीं है जहां भारत के नागरिक देशीयकरण द्वारा उस देश की प्रजा या नागरिक बनने से उस देश की विधि या प्रथा द्वारा निवारित है;

(ख) यदि वह किसी देश का नागरिक है, ⁶[तो वह भारतीय नागरिकता के लिए अपना आवेदन स्वीकार होने की दशा में उस देश की नागरिकता त्यागने का वचन देता है];

¹ 2004 के अधिनियम सं० 6 की धारा 15 द्वारा अन्तःस्थापित।

² 1986 के अधिनियम सं० 4 की धारा 2 और अनुसूची द्वारा (15-5-1986 से) प्रतिस्थापित।

³ 2004 के अधिनियम सं० 6 की धारा 16 द्वारा लोप किया गया।

⁴ 2004 के अधिनियम सं० 6 की धारा 17 द्वारा प्रतिस्थापित।

⁵ 2004 के अधिनियम सं० 6 की धारा 18 द्वारा लोप किया गया।

⁶ 2004 के अधिनियम सं० 6 की धारा 18 द्वारा प्रतिस्थापित।

(ग) आवेदन की तारीख से अव्यवहित पूर्व बारह मास की कालावधि भर वह या तो भारत में निवासी रहा है या भारत में किसी सरकार की सेवा में रहा है अथवा भागतः निवासी रहा है और भागतः सेवा में रहा है :

¹[परंतु यदि केन्द्रीय सरकार का यह समाधान हो जाता है कि विशेष परिस्थितियां विद्यमान हैं, तो वह ऐसी परिस्थितियों को अभिलिखित करने के पश्चात् बारह मास की अवधि को अधिकतम तीस दिन तक के लिए शिथिल कर सकेगी, जो विभिन्न खंडों में हो सकेंगी ;]

(घ) बारह मास की उक्त कालावधि पूर्व के ²[चौदह वर्षों] के दौरान वह ऐसी कालावधियों के लिए जो कुल मिला कर ³[ग्यारह वर्ष] से कम नहीं है या तो भारत में निवासी रहा या भारत में किसी सरकार की सेवा में रहा है अथवा भागतः निवासी रहा है और भागतः सेवा में रहा है;

(ङ) वह अच्छे शील का है;

(च) वह संविधान की अष्टम् अनुसूची में विनिर्दिष्ट किसी भाषा का यथायोग्य ज्ञान रखता है, तथा

(छ) देशीयकरण का प्रमाणपत्र उसे अनुदत्त किए जाने की दशा में वह भारत में निवास करने या भारत में किसी सरकार के अधीन अथवा किसी ऐसे अन्तरराष्ट्रीय संगठन के अधीन जिसका भारत सदस्य है या भारत में स्थापित किसी सोसाइटी, कम्पनी या व्यक्ति निकाय के अधीन सेवा में प्रवेश करने या सेवा में बने रहने का आशय रखता है :

परन्तु यदि केन्द्रीय सरकार किसी विशिष्ट मामले की विशेष परिस्थितियों में ठीक समझती है, तो वह—

(i) आवेदन की तारीख से छह मास से अनधिक पूर्व समाप्त होने वाली बारह मास की निरन्तर कालावधि को उपरोक्त खंड (ग) के प्रयोजनों के लिए ऐसे संगणित किए जाने की अनुज्ञा दे सकेगी मानो वह उस तारीख से अव्यवहित पूर्व की हो;

(ii) आवेदन की तारीख से ²[पन्द्रह वर्ष] पहले से अधिक पूर्व के निवास या सेवा की कालावधियों को उपरोक्त खण्ड (घ) में वर्णित कुल कालावधि की गणना में संगणित करने की अनुज्ञा दे सकेगी ।

3* * * * *

¹ 2015 के अधिनियम सं० 1 की धारा 6 द्वारा अंतःस्थापित ।

² 2004 के अधिनियम सं० 6 की धारा 18 द्वारा प्रतिस्थापित ।

³ 2005 के अधिनियम सं० 32 की धारा 5 द्वारा (28-6-2005 से) लोप किया गया ।

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 10th December, 2003

G.S.R.937(E).- In exercise of the powers conferred by sub-sections (1) and (3) of section 18 of the Citizenship Act, 1955 (57 of 1955), the Central Government hereby makes the following rules, namely :-

1. Short title and commencement. – (1) These rules may be called the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. – In these rules, unless the context otherwise requires, –

- (a) “Act” means the Citizenship Act, 1955 (57 of 1955);
- (b) “Chief Registrar of Births and Deaths” means the Chief Registrar of Births and Deaths appointed under the Registration of Births and Deaths Act, 1969 (18 of 1969);
- (c) “Citizen” means the Citizen of India in terms of the Constitution of India and provisions of the Act;
- (d) “Director of Citizen Registration” means the Director of Census in a State or Union territory appointed by the Central Government under the Census Act, 1948 (37 of 1948), who shall also function as the Director of Citizen Registration in that State, or as the case may be, in the Union territory;
- (e) “District Register of Indian Citizens” means the register containing details of Indian Citizens usually residing in the district;
- (f) “District Registrar of Citizen Registration” means the District Magistrate of every revenue district, by whatever name known, who shall act as the District Registrar of Citizen Registration;
- (g) “Local Register of Indian Citizens” means the register containing details of Indian Citizens usually residing in a village or rural area or town or ward or demarcated area (demarcated by the Registrar General of Citizen Registration) within a ward in a town or urban area;
- (h) “Local Registrar of Citizen Registration” means a local officer, or a revenue officer, appointed by the State Government at the lowest geographical jurisdiction, that is to say, of a village or rural area or town, or

ward or demarcated area (demarcated by the Registrar General of Citizen Registration) within a ward in a town or urban area, who shall function as Local Registrar for the purpose of preparation of Local Register of Indian Citizens;

- (i) “National Identity Card” means the identity card issued under rule 13;
- (j) “National Identity Number” means a unique identity number allotted to every Indian Citizen by the Registrar General of Citizen Registration, India;
- (k) “National Register of Indian Citizens” means the register containing details of Indian Citizens living in India and outside India;
- (l) “Population Register” means the register containing details of persons usually residing in a village or rural area or town or ward or demarcated area (demarcated by the Registrar General of Citizen Registration) within a ward in a town or urban area;
- (m) “Registrar General of Citizen Registration” means the Registrar General, India, appointed under the Registration of Births and Deaths Act, 1969 (18 of 1969), who shall also function as the Registrar General of Citizen Registration, India;
- (n) “State Register of Indian Citizens” means the register containing details of Indian Citizens usually residing in the State;
- (o) “Sub-district or Taluk Registrar of Citizen Registration” means the Sub-district Magistrate or Taluk Executive Magistrate of every sub-district or taluk, by whatever name known, as the case may be, who shall function as Sub-district or Taluk Registrar of Citizen Registration;
- (p) “Sub-district Register of Indian Citizens” means the register containing details of Indian Citizens usually residing in a taluk, or by whatever name known, of the sub-district.

3. National Register of Indian Citizens. – (1) The Registrar General of Citizen Registration shall establish and maintain the National Register of Indian Citizens.

(2) The National Register of Indian Citizens shall be divided into sub-parts consisting of the State Register of Indian Citizens, the District Register of Indian Citizens, the Sub-district Register of Indian Citizens and the Local Register of Indian Citizens and shall contain such details as the Central Government may, by order, in consultation with the Registrar General of Citizen Registration, specify.

(3) The National Register of Indian Citizens shall contain the following particulars in respect of every Citizen, namely :-

- (i) Name;
- (ii) Father's name;
- (iii) Mother's name;
- (iv) Sex;
- (v) Date of birth;
- (vi) Place of birth;
- (vii) Residential address (present and permanent);
- (viii) Marital status – if ever married, name of the spouse;
- (ix) Visible identification mark;
- (x) Date of registration of Citizen;
- (xi) Serial number of registration; and
- (xii) National Identity Number.

(4) The Central Government may, by an order issued in this regard, decide a date by which the Population Register shall be prepared by collecting information relating to all persons who are usually residing within the jurisdiction of Local Registrar.

(5) The Local Register of Indian citizens shall contain details of persons after due verification made from the Population Register.

4. Preparation of the National Register of Indian Citizens. – (1) The Central Government shall, for the purpose of National Register of Indian Citizens, cause to carry throughout the country a house-to-house enumeration for collection of specified particulars relating to each family and individual, residing in a local area including the Citizenship status.

(2) The Registrar General of Citizen Registration shall notify the period and duration of the enumeration in the Official Gazette.

(3) For the purposes of preparation and inclusion in the Local Register of Indian Citizens, the particulars collected of every family and individual in the Population Register shall be verified and scrutinized by the Local Registrar, who may be assisted by one or more persons as specified by the Registrar General of Citizen Registration.

(4) During the verification process, particulars of such individuals, whose Citizenship is doubtful, shall be entered by the Local Registrar with appropriate remark in the Population Register for further enquiry and in case of doubtful

Citizenship, the individual or the family shall be informed in a specified proforma immediately after the verification process is over.

(5) (a) Every person or family specified in sub-rule (4), shall be given an opportunity of being heard by the Sub-district or Taluk Registrar of Citizen Registration, before a final decision is taken to include or to exclude their particulars in the National Register of Indian Citizens.

(b) The Sub-district or Taluk Registrar shall finalize his findings within a period of ninety days of the entry being made, or within such reasonable extended time for which he shall record the reasons in writing.

(6) (a) The draft of the Local Register of Indian Citizens shall be published by the Sub-district or Taluk Registrar, for inviting any objections or for inclusion of any name or corrections for the family or individual particulars collected and proposed to be finally entered in the National Register of Indian Citizens.

(b) Any objection against a particular entry or for inclusion of a name, or corrections if any, in the Local Register of Indian Citizens may be made within a period of thirty days from the date of publication of the draft of the Local Register of Indian Citizens, spelling out the nature and reasons for the objection in such form as may be specified by the Registrar General of Citizen Registration.

(c) Subject to the provisions contained in clause (a) of sub-rule (5), the Sub-district or Taluk Registrar shall consider such objections and summarily dispose off the same within a period of ninety days, and thereafter submit the Local Register of Indian Citizens so prepared to the District Registrar of Citizen Registration who shall cause the entries in the Local Register of Indian Citizens, to be transferred to the National Register of Indian Citizens.

(7) (a) Any person aggrieved by the order of the Sub-district or Taluk Registrar under sub-rule (5) or sub-rule (6), may prefer an appeal within thirty days from the date of such order, to the District Registrar of Citizen Registration.

(b) The District Registrar of Citizen Registration shall take a final decision, after giving an opportunity of being heard to the person so aggrieved, within a period of ninety days from the date of appeal.

(c) In case the appeal is allowed, the particulars shall be entered in the National Register of Indian Citizens.

5. Officials of the Central Government, State Governments and local bodies to assist the Registrar General of Citizen Registration. – Every official of the Central Government, State Government, local bodies or their undertakings shall assist the Registrar General of Citizen Registration or any person authorized by him in this

behalf, in preparation of the database relating to each family and every person, and in implementing the provisions of these rules.

6. Initialization of National Register of Indian Citizens. – (1) The Registrar General of Citizen Registration shall, by order, notify the date on which the National Register of Indian Citizens shall be initialized throughout the country.

(2) The order made under sub-rule (1) may provide for the initialization period specified by the Registrar General of Citizen Registration for establishment of the National Register of Indian Citizens.

(3) Every individual must get himself registered with the Local Registrar of Citizen Registration during the period of initialization as specified under sub-rule (2).

7. Head of family and individual to act as informant. – (1) It shall be compulsory for every Citizen of India to assist the officials responsible for preparation of the National Register of Indian Citizens under rule 4 and get himself registered in the Local Register of Indian Citizens during the period of initialization.

(2) It shall be the responsibility of the head of every family, during the period specified for preparation of the Population Register, to give the correct details of name and number of members and other particulars, as specified in sub-rule (3) of rule 3, of the family of which he is the head.

(3) It shall be the responsibility of every Citizen to register once with the Local Registrar of Citizen Registration and to provide correct individual particulars to that authority.

(4) In the case of dependents, such as minor who has not attained the age of eighteen years, or who is disabled, the responsibility of reporting the particulars under this rule shall be of the head of the family:

Provided that in so far as inmates of institutions, such as orphanages, old age homes, mental asylums are concerned, the responsibility for providing the requisite details shall lie with the head of the Institution.

8. Power of District Registrar, Sub-district or Taluk Registrar or Local Registrar of Citizen Registration to obtain information. – The District Registrar, Sub-district or Taluk Registrar or the Local Registrar of Citizen Registration may, by order, require any person to furnish any information within his knowledge in connection with the determination of Citizenship status of any person and the person required to furnish information shall be bound to comply with such requisition.

9. Procedure as to making of entries in National Register of Indian Citizens. – The Registrar General of Citizen Registration may, by order, specify the procedure to be followed in preparation of the National Register of Indian Citizens and disposal of claims and objections with regard to family and individual particulars proposed to be entered in that Register.

10. Deletion of name and particulars from National Register of Indian Citizens. –

(1) The name and particulars of a Citizen may be removed from the National Register of Indian Citizens by an order of the Registrar General of Citizen Registration or any officer authorized by him in this behalf in the event of –

- (i) death of the person; or
- (ii) the person ceasing to be an Indian Citizen under section 8 of the Act; or
- (iii) revocation of Indian Citizenship under section 9 of the Act; or
- (iv) the particulars provided by the individual or the family found to be incorrect subsequently, thereby affecting the Citizenship status of the person.

(2) It shall be the duty of the Indian Citizen concerned to inform the District Registrar of Citizen Registration, within a period of thirty days, about the cessation of his Indian Citizenship under clause (ii) of sub-rule (1);

(3) In the event of an order under sub-rule (1), the person concerned, or in the event of his death his nearest relative, shall be duly informed about the deletion of any entry from the National Register of Indian Citizens.

Provided that any person aggrieved by the order of an authorized officer may prefer an appeal against such order to the Authority within a period of thirty days of such order.

(4) The appeal under sub-rule (3) shall be disposed off, after giving to the appellant an opportunity of being heard, and produce any documentary or oral evidence in support of his claim.

11. Maintenance and updating of National Register of Indian Citizens. – (1) The Registrar General of Citizen Registration shall cause to maintain the National Register of Indian Citizens in electronic or some other form which shall entail its continuous updating on the basis of extracts from various Registers specified under the Registration of Births and Deaths Act, 1969 (18 of 1969) and the Act.

(2) It shall be the responsibility of the head of each and every family to ensure that any event of birth or death occurring in the family has been duly entered in, or deleted from, the Local Register of Indian Citizens.

(3) The Chief Registrar of Births and Deaths and all other officials engaged in the registration of births and deaths shall assist the Registrar General of Citizen Registration in updating the National Register of Indian Citizens as required under sub-rule (1).

12. Modification of entries in National Register of Indian Citizens. – The Sub-district or Taluk Registrar may, on an application made by the concerned person and after due verification, authorize the modification of any entry in respect of the following particulars in National Register of Indian Citizens, namely:-

- (a) change of name; or
- (b) the name of the applicant's parent in case his status has been altered by adoption under the relevant laws; or
- (c) change of residential address; or
- (d) change of marital status; or
- (e) change of sex.

13. Issue of National Identity Cards. – The Registrar General of Citizen Registration, or any officer authorised by him in this behalf, shall issue the National Identity Card to every Citizen whose particulars are entered in the National Register of Indian Citizens under sub-rule (3) of rule 3.

14. National Identity Cards to be Government property and responsibility of Citizens to keep them properly. – (1) The National Identity Card shall be the property of the Central Government.

(2) No person shall willfully destroy, alter, transfer or use in any form the National Identity Card, except for the lawful purposes.

(3) On the happening of any of the events specified under sub-rule (1) of rule 10, the National Identity Card shall be surrendered, by the Citizen concerned or his nearest relative, as the case may be, to the Registrar General of Citizen Registration or any other authorized officer acting on his behalf.

(4) In the event of a loss of the National Identity Card, it shall be the duty of the Citizen or his nearest relative, as the case may be, to report the matter immediately to the nearest police station and the concerned Authority.

15. Designation of National Registration Authority and officers. – (1) On and from the date of commencement of these rules, the Registrar General, India shall be designated as the Registrar General of Citizen Registration, India who shall also function as such for the purposes of these rules.

(2) The Central Government may designate –

- (a) one or more officers as Additional or Joint or Deputy Registrar General of Citizen Registration and such other officers and staff as may be required; and
- (b) an officer as a Director, and one or more officers as Joint Director, Deputy Director, Assistant Director of Citizen Registration for each of the States and the Union territories along with requisite support staff, to assist the Registrar General of Citizen Registration in discharging the functions and responsibilities under these rules,

(3) The State Government shall notify a State Co-ordinator of National Registration not below the rank of a Secretary in the State Government or equivalent.

16. Supervision and Control of Registrar General of Citizen Registration over District, Sub-district or Taluk and Local Registrars of Citizen Registration. – (1)

The State Government shall designate an officer or a person as Local Registrar of Citizen Registration for each lowest geographical jurisdiction, that is to say, of a village or rural area or town, or ward or demarcated area (demarcated by the Registrar General of Citizen Registration) within a ward in a town or urban area who shall function as Local Registrar for the purpose of preparation of Local Register of Indian Citizens.

(2) Every Local Registrar of Citizen Registration shall function under the overall supervision of the Sub-district or Taluk Registrar of Citizen Registration.

(3) Every Sub-district or Taluk Registrar of Citizen Registration shall function under the overall supervision of the District Registrar of Citizen Registration.

(4) For the purposes of implementing and carrying out the provisions of these rules, the District Registrar, the Sub-district or Taluk Registrar and the Local Registrar of Citizen Registration shall be under the supervision and control of the Registrar General of Citizen Registration.

(5) The Registrar General of Citizen Registration or any officer authorized by him at any time may call for any records for examination, and issue directions regarding inclusion or exclusion of any individual or family particulars from the Population

Register or Local Register of Indian Citizens, to the District Registrar, the Sub-district or Taluk Registrar and the Local Registrar of Citizen Registration.

17. Penal consequences in certain cases. - Any violation of provisions of rules 5, 7, 8, 10, 11 and 14 shall be punishable with fine which may extend to one thousand rupees.

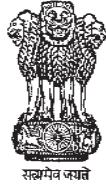
18. Guidelines for collection of particulars of individuals, verification, issue of National Identity Cards, etc. - The Registrar General of Citizen Registration may, in consultation with the Central Government, issue from time to time such guidelines to the State Governments as are considered necessary for implementation of these rules.

[F.No.26011/2/2003-IC.]

PRAVIN SRIVASTAVA, Jt. Secy.

Note: The Principal rules were published in the Gazette of India vide number SRO 1574, dated 7-7-1956 and subsequently amended vide number:

- | | | |
|-----|--------------------|--------------------|
| 1. | 2/13/57-IC | dated 16-5-58 |
| 2. | 10/3/58-IC | dated 19-11-58 |
| 3. | 2/11/58-IC | dated 31-1-59 |
| 4. | 2/1/60-IC | dated 16-9-60 |
| 5. | 1/1/62-IC | dated 20-12-62 |
| 6. | 1/1/64-IC | dated 3-3-65 |
| 7. | 24/161(ii)/64-IC | dated 5-5-65 |
| 8. | 2/1/66-IC | dated 29-5-67 |
| 9. | 2/1/68-IC | dated 12-11-68 |
| 10. | 2/1/69-IC | dated 14-5-69 |
| 11. | 2/7/69-IC | dated 19-12-69 |
| 12. | 24/75/69-IC | dated 28-8-70 |
| 13. | 26011/1/71-IC | dated 9-8-71 |
| 14. | 26011/12/(i)/71-IC | dated 15-2-72 |
| 15. | GSR 383(E) | dated 5-6-81 |
| 16. | GSR 25(E) | dated 15-1-86 |
| 17. | GSR 567(E) | dated 1-4-86 |
| 18. | GSR 18(E) | dated 7-1-87 |
| 19. | GSR 392(E) | dated 13-4-87, and |
| 20. | GSR 141(E) | dated 19-3-98 |
| 21. | GSR 344(E) | dated 20-4-2000 |



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 4] नई दिल्ली, मंगलवार, मार्च 10, 2015/फाल्गुन 19, 1936 (शक)
No. 4] NEW DELHI, TUESDAY, MARCH 10, 2015/PHALGUNA 19, 1936 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 11th March, 2015/Phalguna 20, 1936 (Saka)

The following Act of Parliament received the assent of the President on the 10th March, 2015, and is hereby published for general information:—

THE CITIZENSHIP (AMENDMENT) ACT, 2015

NO. 1 OF 2015

[10th March, 2015.]

An Act further to amend the Citizenship Act, 1955.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Citizenship (Amendment) Act, 2015.

Short title
and
commencement.

(2) It shall be deemed to have come into force on the 6th day of January, 2015.

57 of 1955.

2. In the Citizenship Act, 1955 (hereinafter referred to as the principal Act), in section 2, in sub-section (1), for clause (ee), the following clause shall be substituted, namely:—

Amendment
of section 2.

'(ee) "Overseas Citizen of India Cardholder" means a person registered as an Overseas Citizen of India Cardholder by the Central Government under section 7A;'

3. In the principal Act, in section 5,—

Amendment
of section 5.

(i) in sub-section (1),—

(a) in clause (f), for the words "has been residing in India for one year", the words "is ordinarily resident in India for twelve months" shall be substituted;

(b) in clause (g),—

(A) for the words "Overseas Citizen of India", the words "Overseas Citizen of India Cardholder" shall be substituted;

(B) for the words "has been residing in India for one year", the words "is ordinarily resident in India for twelve months" shall be substituted;

(ii) after sub-section (I), the following sub-section shall be inserted, namely:—

"(IA) The Central Government, if it is satisfied that special circumstances exist, may after recording the circumstances in writing, relax the period of twelve months, specified in clauses (f) and (g) and clause (i) of *Explanation 1* of sub-section (I), up to a maximum of thirty days which may be in different breaks."

4. In the principal Act, for sections 7A, 7B, 7C and section 7D, the following sections shall be substituted, namely:—

Substitution
of new
sections for
sections 7A,
7B, 7C and
section 7D.

Registration
of Overseas
Citizen of
India
Cardholder.

"7A. (I) The Central Government may, subject to such conditions, restrictions and manner as may be prescribed, on an application made in this behalf, register as an Overseas Citizen of India Cardholder—

(a) any person of full age and capacity,—

(i) who is a citizen of another country, but was a citizen of India at the time of, or at any time after the commencement of the Constitution; or

(ii) who is a citizen of another country, but was eligible to become a citizen of India at the time of the commencement of the Constitution; or

(iii) who is a citizen of another country, but belonged to a territory that became part of India after the 15th day of August, 1947; or

(iv) who is a child or a grandchild or a great grandchild of such a citizen; or

(b) a person, who is a minor child of a person mentioned in clause (a); or

(c) a person, who is a minor child, and whose both parents are citizens of India or one of the parents is a citizen of India; or

(d) spouse of foreign origin of a citizen of India or spouse of foreign origin of an Overseas Citizen of India Cardholder registered under section 7A and whose marriage has been registered and subsisted for a continuous period of not less than two years immediately preceding the presentation of the application under this section:

Provided that for the eligibility for registration as an Overseas Citizen of India Cardholder, such spouse shall be subjected to prior security clearance by a competent authority in India:

Provided further that no person, who or either of whose parents or grandparents or great grandparents is or had been a citizen of Pakistan, Bangladesh or such other country as the Central Government may, by notification in the Official Gazette, specify, shall be eligible for registration as an Overseas Citizen of India Cardholder under this sub-section.

(2) The Central Government may, by notification in the Official Gazette, specify the date from which the existing Persons of Indian Origin Cardholders shall be deemed to be Overseas Citizens of India Cardholders.

Explanation.— For the purposes of this sub-section, "Persons of Indian Origin Cardholders" means the persons registered as such under notification number 26011/4/98 F.I., dated the 19th August, 2002, issued by the Central Government in this regard.

(3) Notwithstanding anything contained in sub-section (1), the Central Government may, if it is satisfied that special circumstances exist, after recording the circumstances in writing, register a person as an Overseas Citizen of India Cardholder.

7B. (1) Notwithstanding anything contained in any other law for the time being in force, an Overseas Citizen of India Cardholder shall be entitled to such rights, other than the rights specified under sub-section (2), as the Central Government may, by notification in the Official Gazette, specify in this behalf.

Conferment
of rights on
Overseas
Citizen of
India
Cardholder.

(2) An Overseas Citizen of India Cardholder shall not be entitled to the rights conferred on a citizen of India—

(a) under article 16 of the Constitution with regard to equality of opportunity in matters of public employment;

(b) under article 58 of the Constitution for election as President;

(c) under article 66 of the Constitution for election as Vice-President;

(d) under article 124 of the Constitution for appointment as a Judge of the Supreme Court;

(e) under article 217 of the Constitution for appointment as a Judge of the High Court;

43 of 1950.

(f) under section 16 of the Representation of the People Act, 1950 in regard to registration as a voter;

43 of 1951.

(g) under sections 3 and 4 of the Representation of the People Act, 1951 with regard to the eligibility for being a member of the House of the People or of the Council of States, as the case may be;

43 of 1951.

(h) under sections 5, 5A and section 6 of the Representation of the People Act, 1951 with regard to the eligibility for being a member of the Legislative Assembly or the Legislative Council, as the case may be, of a State;

(i) for appointment to public services and posts in connection with affairs of the Union or of any State except for appointment in such services and posts as the Central Government may, by special order in that behalf, specify.

(3) Every notification issued under sub-section (1) shall be laid before each House of Parliament.

7C. (1) If any Overseas Citizen of India Cardholder of full age and capacity makes in prescribed manner a declaration renouncing the Card registering him as an Overseas Citizen of India Cardholder, the declaration shall be registered by the Central Government, and upon such registration, that person shall cease to be an Overseas Citizen of India Cardholder.

Renunciation
of Overseas
Citizen of
India Card.

(2) Where a person ceases to be an Overseas Citizen of India Cardholder under sub-section (1), the spouse of foreign origin of that person, who has obtained Overseas Citizen of India Card under clause (d) of sub-section (1) of section 7A, and every minor child of that person registered as an Overseas Citizen of India Cardholder shall thereupon cease to be an Overseas Citizen of India Cardholder.

7D. The Central Government may, by order, cancel the registration granted under sub-section (1) of section 7A, if it is satisfied that—

(a) the registration as an Overseas Citizen of India Cardholder was obtained by means of fraud, false representation or the concealment of any material fact; or

(b) the Overseas Citizen of India Cardholder has shown disaffection towards the Constitution, as by law established; or

(c) the Overseas Citizen of India Cardholder has, during any war in which India may be engaged, unlawfully traded or communicated with an enemy or

Cancellation
of
registration
as Overseas
Citizen of
India
Cardholder.

been engaged in, or associated with, any business or commercial activity that was to his knowledge carried on in such manner as to assist an enemy in that war; or

(d) the Overseas Citizen of India Cardholder has, within five years after registration under sub-section (I) of section 7A, been sentenced to imprisonment for a term of not less than two years; or

(e) it is necessary so to do in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country, or in the interests of the general public; or

(f) the marriage of an Overseas Citizen of India Cardholder, who has obtained such Card under clause (d) of sub-section (I) of section 7A,—

(i) has been dissolved by a competent court of law or otherwise; or

(ii) has not been dissolved but, during the subsistence of such marriage, he has solemnised marriage with any other person."

Amendment
of section 18.

5. In the principal Act, in section 18, in sub-section (2), after clause (ee), the following clauses shall be inserted, namely:—

“(eea) the conditions and the manner subject to which a person may be registered as an Overseas Citizen of India Cardholder under sub-section (I) of section 7A;

(eeb) the manner of making declaration for renunciation of Overseas Citizen of India Card under sub-section (I) of section 7C;”.

Amendment
of Third
Schedule.

6. In the principal Act, in the Third Schedule, in clause (c), the following proviso shall be inserted, namely:—

"Provided that if the Central Government is satisfied that special circumstances exist, it may, after recording the circumstances in writing, relax the period of twelve months up to a maximum of thirty days which may be in different breaks."

Repeal and
savings.

7. (1) The Citizenship (Amendment) Ordinance, 2015 is hereby repealed.

Ord. 1 of
2015.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

DR. SANJAY SINGH,
Secretary to the Govt. of India.

The Registration of Births and Deaths Act, 1969

(Act No. 18 of 1969)

[31st May 1969]

An Act to provide for the regulation of registration of births and deaths and for matters connected therewith.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:

CHAPTER I PRELIMINARY

1. Short title, extent and commencement—(1) This Act may be called the Registration of Births and Deaths Act, 1969.

(2) It extends to the whole of India.

(3) It shall come into force in a State on such date as the Central Government may, by notification in the Official Gazette, appoint :

Provided that different dates may be appointed for different parts of a State.

2. Definitions and interpretation—

(1) In this Act, unless the context otherwise requires,

- (a) "birth" means live-birth or still-birth ;
- (b) "death" means the permanent disappearance of all evidence of life at any time after live-birth has taken place ;
- (c) "foetal death" means absence of all evidence of life prior to the complete expulsion or extraction from its mother of a product of conception irrespective of the duration of pregnancy ;
- (d) "live-birth" means the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life, and each product of such birth is considered live-born ;
- (e) "prescribed" means prescribed by rules made under this Act;

(f) "State Government", in relation to a Union territory, means the Administrator thereof;

(g) "still-birth" means foetal death where a product of conception has attained at least the prescribed period of gestation.

(2) Any reference in this Act to any law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.

CHAPTER II REGISTRATION ESTABLISHMENT

3. Registrar General, India—(1) The Central Government may, by notification in the Official Gazette, appoint a person to be known as the Registrar-General, India.

(2) The Central Government may also appoint such other officers with such designations as it thinks fit for the purpose of discharging, under the superintendence and direction of the Registrar-General, such functions of the Registrar-General under this Act as he may, from time to time, authorize them to discharge.

(3) The Registrar-General may issue general directions regarding registration of births and deaths in the territories to which this Act extends, and shall take steps to co-ordinate and unify the activities of Chief Registrars in the matter of registration of births and deaths and submit to the Central Government an annual report on the working of this Act in the said territories.

4. Chief Registrar—(1) The State Government may, by notification in the

Official Gazette, appoint a Chief Registrar for the State.

(2) The State Government may also appoint such other officers with such designations as it thinks fit for the purpose of discharging, under the superintendence and direction of the Chief Registrar, such of his functions as he may, from time to time, authorize them to discharge.

(3) The Chief Registrar shall be the chief executive authority in the State for carrying into execution the provisions of this Act and the rules and orders made thereunder subject to the directions, if any, given by the State Government.

(4) The Chief Registrar shall take steps by the issue of suitable instructions or otherwise, to co-ordinate, unify and supervise the work of registration in the State for securing an efficient system of registration and shall prepare and submit to the State Government, in such manner and at such intervals as may be prescribed, a report on the working of this Act in the State alongwith the statistical report referred to in sub-section (2) of section 19.

5. Registration divisions—The State Government may, by notification in the Official Gazette, divide the territory within the State into such registration divisions as it may think fit and prescribe different rules for different registration divisions.

6. District Registrar—(1) The State Government may appoint a District Registrar for each revenue district and such number of Additional District Registrars as it thinks fit who shall, subject to the general control and direction of the District Registrar, discharge such functions of the district Registrar as the District Registrar may, from time to time, authorize them to discharge.

(2) The District Registrar shall superintend, subject to the direction of the Chief Registrar, the Registration of births and deaths in the district and shall be responsible for carrying into execution in the district the provisions of this Act and the orders of the Chief Registrar issued from time to time for the purpose of this Act.

7. Registrars—(1) The State Government may appoint a Registrar for each local area comprising the area within

the jurisdiction of a municipality, Panchayat or other local authority or any other area or a combination of any two or more of them :

Provided that the State Government may appoint in the case of a municipality, Panchayat or other local authority, any officer or other employee thereof as a Registrar.

(2) Every Registrar shall, without fee or reward, enter in the register maintained for the purpose all information given to him under section 8 or section 9 and shall also take steps to inform himself carefully of every birth and of every death which takes place in his jurisdiction and to ascertain and register the particulars required to be registered.

(3) Every Registrar shall have an office in the local area for which he is appointed.

(4) Every Registrar shall attend his office for the purpose of registering births and deaths on such days and at such hours as the Chief Registrar may direct and shall cause to be placed in some conspicuous place on or near the outer door of the office of the Registrar a board bearing, in the local language, his name with the addition of Registrar of Births and Deaths for the local area for which he is appointed, and the days and hours of his attendance.

(5) The Registrar may, with the prior approval of the Chief Registrar, appoint Sub-Registrars and assign to them any or all of his powers and duties in relation to specified areas within his jurisdiction.

CHAPTER III

REGISTRATION OF BIRTHS AND DEATHS

8. Persons required to register births and deaths—(1) It shall be the duty of the persons specified below to give or cause to be given, either orally or in writing, according to the best of their knowledge and belief, within such time as may be prescribed, information to the Registrar of the several particulars required to be entered in the forms prescribed by the State Government under sub-section (1) of section 16,—

(a) in respect of births and deaths in a house, whether residential or non-residential, not being any place

referred to in clauses (b) to (e), the head of the house or, in case more than one household live in the house, the head of the household, the head being the person, who is so recognized by the house or the household, and if he is not present in the house at any time during the period within which the birth or death has to be reported, the nearest relative of the head present in the house, and in the absence of any such person, the oldest adult male person present therein during the said period;

- (b) in respect of births and deaths in a hospital, health center, maternity or nursing home or other like institution, the medical officer in charge or any person authorized by him in this behalf;
 - (c) in respect of births and deaths in a jail, the jailor in charge ;
 - (d) in respect of births and deaths in a choultry, chattram, hostel, dharmasala, boarding house, lodging house, tavern, barrack, toddy shop or place of public resort, the person in charge thereof ;
 - (e) in respect of any new-born child or dead body found deserted in a public place, the headman or other corresponding officer of the village in the case of a village and officer in charge of the local police station elsewhere :
- Provided that any person who finds such child or dead body, or in whose charge such child or dead body may be placed, shall notify such fact to the headman or officer aforesaid ;
- (f) in any other place, such person as may be prescribed.

(2) Notwithstanding anything contained in sub-section (1), the State Government, having regard to the conditions obtaining in a registration division, may order require that for such period as may be specified in the order, any person specified by the State Government by designation in this behalf, shall give or cause to be given information regarding births and deaths in a house referred to in clause (a) of sub-section (1) instead of the persons specified in that clause.

9. Special provision regarding births and deaths in a plantation—In the case of births and deaths in a plantation, the superintendent of the plantation shall give or cause to be given to the Registrar the information referred to in section 8:

Provided that the persons referred to in clauses (a) to (f) of sub-section (i) of section 8 shall furnish the necessary particulars to the superintendent of the plantation.

Explanation – In this section, the expression “plantation” means any land not less than four hectares in extent which is being prepared for the production of, or actually produces, tea, coffee, pepper, rubber, cardamom, cinchona or such other products as the State Government may, by notification in the Official Gazette, specify and the expression “superintendent of the plantation” means the person having the charge or supervision of the labourers and work in the plantation whether called a manager, superintendent or by any other name.

10. Duty of certain persons to notify births and deaths and to certify cause of death—(1) It shall be the duty of—

- (i) the midwife or any other medical or health attendant at a birth or death,
- (ii) the keeper or the owner of a place set apart for the disposal of dead bodies or any person required by a local authority to be present at such place, or
- (iii) any other person whom the State Government may specify in this behalf by his designation, to notify every birth or death or both at which he or she attended or was present, or which occurred in such areas as may be prescribed, to the Registrar within such time and in such manner as may be prescribed.

(2) In any area, the State Government, having regard to the facilities available therein in this behalf, may require that a certificate as to the cause of death shall be obtained by the Registrar from such person and in such form as may be prescribed.

(3) Where the State Government has required under sub-section (2) that a

certificate as to the cause of death shall be obtained, in the event of the death of any person who, during his last illness was attended by a medical practitioner, the medical practitioner shall, after the death of that person, forthwith, issue without charging any fee, to the person required under this Act to give information concerning the death, a certificate in the prescribed form stating to the best of his knowledge and belief the cause of death; and the certificate shall be received and delivered by such person to the Registrar at the time of giving information concerning the death as required by this Act.

11. Informant to sign the register

— Every person who has orally given to the Registrar any information required under this Act shall write in the register maintained in this behalf, his name, description and place of abode, and, if he cannot write, shall put his thumb mark in the register against his name, description and place of abode, the particulars being in such a case entered by the Registrar.

12. Extracts of registration entries to be given to informant.—The Registrar shall, as soon as the registration of a birth or death has been completed, give, free of charge, to the person who gives information under section 8 or section 9 an extract of the prescribed particulars under his hand from the register relating to such birth or death.

13. Delayed registration of births and deaths. — (1) Any birth or death of which information is given to the Registrar after the expiry of the period specified therefore, but within thirty days of its occurrence, shall be registered on payment of such late fee as may be prescribed.

(2) Any birth or death of which delayed information is given to the Registrar after thirty days but within one year of its occurrence shall be registered only with the written permission of the prescribed authority and on payment of the prescribed fee and the production of an affidavit made before a notary public or any other office authorized in this behalf by the State Government.

(3) Any birth or death which has not been registered within one year of its occurrence, shall be registered only on an order made by a magistrate of the first class

or a Presidency Magistrate after verifying the correctness of the birth or death and on payment of the prescribed fee.

(4) The provisions of this section shall be without prejudice to any action that may be taken against a person for failure on his part to register any birth or death within the time specified therefore and any such birth or death may be registered during the pendency of any such action.

14. Registration of name of child.—

Where the birth of any child has been registered without a name, the parent or guardian of such child shall within the prescribed period give information regarding the name of the child to the Registrar either orally or in writing and thereupon the Registrar shall enter such name in the register and initial and date of the entry.

15. Correction or cancellation of entry in the register of births and deaths.

—If it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to such rules as may be made by the State Government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled, correct the error or cancel the entry by suitable entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction or cancellation.

CHAPTER IV

MAINTENANCE OF RECORDS AND STATISTICS

16. Registrars to keep registers in the prescribed form —

(1) Every Registrar shall keep in the prescribed form a register of births and deaths for the registration area or any part thereof in relation to which he exercises jurisdiction.

(2) The Chief Registrar shall cause to be printed and supplied a sufficient number of register books for making entries of births and deaths according to such forms and instructions as may, from time to time, be prescribed; and a copy of such forms in the local language shall be posted in some

conspicuous place on or near the outer door of the office of every Registrar.

17. Search of births and deaths register—(1) Subject to any rules made in this behalf by the State Government, including rules relating to the payment of fees and postal charges, any person may--

- (a) cause a search to be made by the Registrar for any entry in a register of births and deaths; and
- (b) obtain an extract from such register relating to any birth or death :

Provided that no extract relating to any death, issued to any person, shall disclose the particulars regarding the cause of death as entered in the register.

(2) All extracts given under this section shall be certified by the Registrar or any other officer authorised by the State Government to give such extracts as provided in section 76 of the Indian Evidence Act, 1872 (1 of 1872), and shall be admissible in evidence for the purpose of proving the birth or death to which the entry relates.

18. Inspection of registration offices – The registration offices shall be inspected and the registers kept therein shall be examined in such manner and by such authority as may be specified by the District Registrar.

19. Registrars to send periodical returns to the Chief Registrar for compilation—(1) Every Registrar shall send to the Chief Registrar or to any officer specified by him, at such intervals and in such form as may be prescribed, a return regarding the entries of births and deaths in the register kept by such Registrar.

(2) The Chief Registrar shall cause the information in the returns furnished by the Registrars to be compiled and shall publish for the information of the public a statistical report on the registered births and deaths during the year at such intervals and in such form as may be prescribed.

CHAPTER V

MISCELLANEOUS

20. Special provision as to registration of births and deaths of citizens outside India—(1) The Registrar

General shall, subject to such rules as may be made by the Central Government in this behalf, cause to be registered information as to births and deaths of citizens of India outside India received by him under the rules relating to the registration of such citizens at Indian Consulates made under the Citizenship Act, 1955 (57 of 1955), and every such registration shall also be deemed to have been duly made under this Act.

(2) In the case of any child born outside India in respect of whom information has not been received as provided in sub-section (1), if the parents of the child returns to India with a view to settling therein, they may, at any time within sixty days from the date of the arrival of the child in India, get the birth of the child registered under this Act in the same manner as if the child was born in India and the provisions of section 13 shall apply to the birth of such child after the expiry of the period of sixty days aforesaid.

21. Power of Registrar to obtain information regarding birth or death—

The Registrar may either orally or in writing require any person to furnish any information within his knowledge in connection with a birth or death in the locality within which such person resides and that person shall be bound to comply with such requisition.

22. Power to give directions—The Central Government may give such directions to any State Government as may appear to be necessary for carrying into execution in the State any of the provisions of this Act or of any rule or order made thereunder.

23. Penalties—(1) Any person who—

- (a) fails without reasonable cause to give any information which it is his duty to give under any of the provisions of sections 8 and 9; or

(b) gives or causes to be given, for the purpose of being inserted in any register of births and deaths, any information which he knows or believes to be false regarding any of the particulars required to be known and registered; or

(c) refuses to write his name, description and place of abode or to put his thumb mark in the register as required by section 11, shall be punishable with fine which may extend to fifty rupees.

(2) Any Registrar or Sub-Registrar who neglects or refuses, without reasonable cause, to register any birth or death occurring in his jurisdiction or to submit any returns as required by sub-section (1) of section 19 shall be punishable with fine which may extend to fifty rupees.

(3) Any medical practitioner who neglects or refuses to issue a certificate under sub-section (3) of section 10 and any person who neglects or refuses to deliver such certificate shall be punishable with fine which may extend to fifty rupees.

(4) Any person who, without reasonable cause, contravenes any provision of this Act for the contravention of which no penalty is provided for in this section shall be punishable with fine which may extend to ten rupees.

(5) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898), an offence under this section shall be tried summarily by a **Magistrate**.

24. Power to compound offences—

(1) Subject to such conditions as may be prescribed, any officer authorised by the Chief Registrar by a general or special order in this behalf may, either before or after the institution of criminal proceedings under this Act, accept from the person who has committed or is reasonably suspected of having committed an offence under this Act, by way of composition of such offence a sum of money not exceeding fifty rupees.

(2) On the payment of such sum of money, such person shall be discharged

and no further proceedings shall be taken against him in respect of such offence.

25. Sanction for prosecution—No prosecution for an offence punishable under this Act shall be instituted except by an officer authorised by the Chief Registrar by general or special order in this behalf.

26. Registrars and Sub-Registrars to be deemed public servants—All Registrars and Sub-Registrars shall, while acting or purporting to act in pursuance of the provisions of this Act or any rule or order made thereunder be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

27. Delegation of powers—The State Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act (except the power to make rules under section 30) or the rules made thereunder shall, subject to such conditions, if any, as may be specified in the direction be exercisable also by such officer or authority subordinate to the State Government as may be specified in the direction.

28. Protection of action taken in good faith—(1) No suit, prosecution or other legal proceeding shall lie against the Government, the Registrar General, any Registrar, or any person exercising any power or performing any duty under this Act for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

(2) No suit or other legal proceeding shall lie against the government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this act or any rule or order made thereunder.

29. Act not to be in derogation of Act 6 of 1886—Nothing in this Act shall be construed to be in derogation of the provisions of the Births, Deaths and Marriages Registration Act, 1886.

30. Power to make rules—(1) The State Government may with the approval of the Central Government, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide for—

- (a) the forms of registers of births and deaths required to be kept under this Act;
- (b) the period within which and the form and the manner in which information should be given to the Registrar under section 8;
- (c) the period within which and the manner in which births and deaths shall be notified under sub-section (1) of section 10;
- (d) the person from whom and the form in which a certificate as to cause of death shall be obtained;
- (e) the particulars of which extract may be given under section 12
- (f) the authority which may grant permission for registration of a birth or death under sub-section (2) of section 13;
- (g) the fees payable for registration made under section 13;
- (h) the submission of reports by the Chief Registrar under sub-section (4) of section 4;
- (i) the search of birth and death registers and the fees payable for such search and for the grant of extracts from the register;
- (j) the forms in which and the intervals at which the returns and the statistical report under section 19 shall be furnished and published;
- (k) the custody, production and transfer of the registers and other records kept by Registrars;

(l) the correction of errors and the cancellation of entries in the register of births and deaths;

(m) any other matter which has to be, or may

be, prescribed.

¹[(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the State Legislature].

31. Repeal and saving—(1) Subject to the provisions of section 29, as from the coming into force of this Act in any State or part thereof, so much of any law in force therein as relates to the matters covered by this Act shall stand repealed in such State or part, as the case may be.

(2) Notwithstanding such repeals, anything done or any action taken (including any instruction or direction issued, any regulation or rule or order made) under any such law shall, in so far as such thing or action is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the provisions aforesaid, as if they were in force when such thing was done or such action was taken, and shall continue in force accordingly until superseded by anything done or any action taken under this Act.

32. Power to remove difficulty—If any difficulty arises in giving effect in a State to the provisions of this Act in their application to any areas, the State Government may, with the approval of the Central Government, by order make such provisions or give such directions not inconsistent with the provisions of this Act as appears to the State Government to be necessary or expedient for removing the difficulty :

Provided that no order shall be made under this section in relation to any area in a State after the expiration of two years from the date on which this Act comes into force in that area.