

CONSTITUTION
Gen Com
Module 2/ Class 4
Provision of Citizenship

By – Dept. of Political Science

CITIZESHIP



PART - II

ART. 5 - 11

CONCEPT - UK

TYPE - SINGLE

UNION LIST



CONSTITUTIONAL PROVISIONS



ART. 5 - 11

ART. 5 → CITIZENSHIP AT THE COMMENCEMENT OF CONSTITUTION

26th Jan, 1950

At the commencement of this Constitution every person who has his domicile in the territory of India and

as defined in Govt. of India Act, 1935

- [B] [D]
[P] [D]
- (a) who was born in the territory of India, or
 - (b) **either** of whose **parents was born** in the territory of India, or
 - (c) who has been **ordinarily resident** in the territory of India for **not less than five years** preceding such commencement, shall be a citizen of India

ART. 6 → RIGHTS OF CITIZENSHIP OF PERSONS MIGRATING FROM PAKISTAN TO INDIA

★ Before 26th Jan, 1950 Pakistan → India

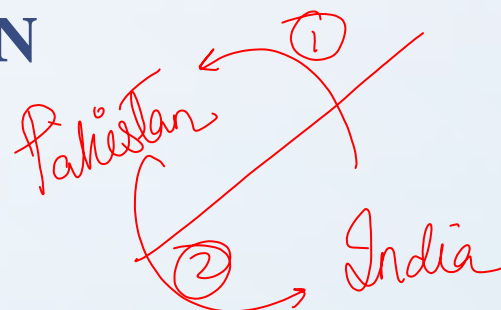
① 19th July, 1948^{cc} Permit System
②

A person who has **migrated to India from Pakistan** shall be deemed to be a citizen of India if such person fulfils following two conditions –

- (a) **he** or either of his **parents** or any of his **grandparents was born** in undivided India, and
- (b) the person has **migrated before 19th July, 1948**,or, if, he has migrated after this date such a person has been registered as a citizen of India by an officer appointed in that behalf by the Government of India

↓
designated officer

ART. 7 → RIGHTS OF CITIZENSHIP OF PERSONS MIGRATING FROM INDIA TO PAKISTAN



A person who has **migrated from India to Pakistan** after 1st March, 1947, shall **not be the citizen of India**.

However, if such person **returned to India** under a **permit of resettlement**, he/she will be citizen of India **after registration** by an officer appointed by the Govt. of India

ART. 8 → RIGHTS OF CITIZENSHIP OF PERSONS OF INDIAN ORIGIN

Any person of Indian origin ordinarily residing outside India shall be the citizen of India, if – (a) such a person or either of whose parents or any of whose grandparents was born in undivided India, and (b) he has been **registered** as a citizen of India by the diplomatic or consular representative of India in that country

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ART. 9 → PERSONS VOLUNTARILY ACQUIRING CITIZENSHIP OF A FOREIGN STATE

5/6/7/8

If a person voluntarily acquires the citizenship of a foreign State, that person shall not be the citizen of India

ART. 10 → CONTINUANCE OF RIGHTS OF CITIZENSHIP

Continuance of Rights of Citizenship – Every person who is a citizen of India under above provisions shall **continue** to be the citizen of India, subject to the law made by the Parliament

→ Union dist

ART. 11 → REGULATION OF RIGHTS OF CITIZENSHIP

The **Parliament** has the power to **regulate by law** all other matters relating to citizenship

By Registration

- 1) Resident of India (Fyrs)
→ Roots (I)
- 2) Marrying Eg: Sonia Gandhi (I)
(Fyrs)
- 3) Minor

CITIZENSHIP ACT, 1955

- ❑ Important Amendments → 1986, 1992, 2003, 2005, 2015, 2019
- ❑ Acquisition – 5 ways
- ❑ Termination – 3 ways



BRAND

ACQUISITION – 5 WAYS

- ✓ ☐ By Birth
- ✓ ☐ By Descent
- ✓ ☐ By Registration
- ✓ ☐ By Naturalisation 14 yrs (12)
- ✓ ☐ By Incorporation of Territory

Official Gazette

– Pondicherry (Puducherry) Citizenship

Order, 1962 – under Act of 1955

2007
4
14 = 9
12 yrs
14
9
11
+
12m



TERMINATION – 3 WAYS

Art - 9

- ☐ By Renunciation
- ☐ By Termination
- ☐ By Deprivation



NRI → NON – RESIDENT INDIAN

PIO → PERSON OF INDIAN ORIGIN

OCI → OVERSEAS CITIZEN OF INDIA

PYQ

1. Which of the following mentions Part II of the Indian Constitution? (RRB Group D 2018)
a) Citizenship b) Fundamental Rights c) Preamble d) Union and its territories
2. A person can acquire Indian citizenship by naturalization if the person is ordinarily a resident of India for _____ years. (RRB NTPC Stage-II 2022)
a) 9 b) 15 c) 5 d) 12
3. Since the commencement of the Constitution, which act has provisions relating to loss of citizenship? (RRB NTPC 2016)
a) Citizenship Act 1950 b) Citizenship Act 1952 c) Citizenship Act 1955 d) Citizenship Act 1954

By Birth

Cases/Dates	Condition
1) 26J, 1950 - 1 July, 1987	You are born in this territory. Your Parents nationality is not considered
2) 1 July, 1987 - 2003	① Born → (P) ^{Father}
3) 2003 onwards	① Same or E 1P(I) * atleast not an illegal migrant * Both Parents (I)

Thank You

By Decent (Born outside India)

Cases/Dates	Condition
1) 26J, 1950 - 10 th Dec, 1992	→ Father should be an Indian citizen at the time of his/her birth
2) 1992 - 2004	→ Either Parents (Gender Neutral)
3) 2004 onwards	→ Registration of child birth within one year