PART II

ARTICLE 5-11

RELATED TO : CITIZENSHIP

ARTICLE 5: CITIZENSHIP AT THE COMMENCEMENT OF THE CONSTITUTION

At the commencement (Starting) of this constitution every person who has his domicile in the territory in the India and-

a) who has born in the territory of India or

b) either of whose parents was born in the territory of india.

c) who has been ordinarily resident in the territory of India for not less than five years immediately preceding such commencement, shall be a citizen of India.

ARTICLE 6: RIGHTS OF CITIZENSHIP OF CERTAIN PERSOS WHO HAVE MIGRATED TO INDIA FROM PAKISTAN

He or either of his parents or any of his grand-parents was born in India as defined in the Government of India Act 1935.

ARTICLE 7: RIGHTS OF CITIZENSHIP OF CERTAIN MIGRANTS TO PAKISTAN

A person who has after the first day of March 1947, migrated from the territory of India to the territory now included in Pakistan shall not be deemed to be a citizen of India.

ARTICLE 8: RIGHTS OF CITIZENSHIP OF CERTAIN PERSON OF INDIAN ORIGIN

Any person who or either of whose parents or any of whose grandparents was born in India as defined in the Government of India Act, 1935 ( as originally enacted) and who is ordinarily residing in any country outside India as so define shall be deemed to be a citizen of India.

ARTICLE 9: PERSON VOLUNTARY ACQUIRING CITIZENSHIP OF A FOREIGN STATE NOT BE CITIZENS.

No person shall be a citizen of India by virtue of the article 5 of be deemed to be a citizen of India by virtue of article 6 or article 8 if he has voluntarily acquired the citizenship of any foreign state.

ARTICLE 10: CONTINUANCE OF THE RIGHTS OF CITIZENSHIP

Every person who is or is deemed to be a citizen of India under any of the foregoing provision of this Part shall, subject to the provision of any law that may be made by Parliament, continue to be such citizen.

ARTICLE 11

Article 11 gave the power to the Parliament of India to regulate the right of citizenship by law.

This provision resulted in the enactment of Citizenship Act 1995 by Parliament of India.

AMENDMENT IN CITIZENSHIP LAW.

The legislation related to this matter is the Citizenship Act 1955, which has been amended by the Citizenship Amendment Act 1986, the Citizenship Amendment Act 1992, the Citizenship Amendment Act 2003, the Citizenship Amendment Act 2005, the Citizenship Amendment Act 2019. ( 11 Dec 2019).

Acquisition of India Citizenship as per Citizenship Act 1955.

Indian Citizenship can be acquired under the following ways

* Citizenship at the commencement of the constitution of India.
* Citizenship by birth.
* Citizenship by descent.
* Citizenship by registration.
* Citizenship by naturalization.

BY BIRTH : A person born in the territory of India can be considered as iNdian Citizen, only if at the time of its birth , either of the parent .

BY DESCENT: A person born outside the territoru of India, can be given Indian citizenship only if at the time of his birth, either of the parents is a citizen of India ( Herediary Citizenship).

BY REGESTIRATION: Under these following categories of person can apply for Indian Citizenship

* Minor children of the Indian citizen born outside iNdia and got citizenship of that country.
* A female belonging to foreign country and married to Indian man can apply for Indian citizenship after 7 years of residency in India. ( Earlier it was 6 months )
* By citizenship amendment act 1986, it was extended to male also belong to the foreign country and married to Indian femal. Presently the condition after 7 years of residency in Indian he can apply for Indian Citizenship.

BY NATURALIZATION: Any foreigner can apply for iNdian Citizenship without marrying indian citizens, if foregoing conditions are to be fulfillled.

* He must belong to the country, where similar provision given for iNdian citizens.
* He can apply for certificates of naturalization only after 12 years and valid residency in India.
* He must have good moral character.
* Working knowledge of Indian language is essential.

BY INCORPORATION OF TERRITORY

If any foreign territory is accquired by India, the citizen belong to that category automatically become citizens of India i.e: Goa Sikkim.

THE CITIZENSHIP AMENDMENT ACT 2019

Pass on 11 Dec 2019 by the parliament.

* To give Indian nationality only to non-Muslim refugee from Pakistan, Bangladesh, Afghanistan.
* Six-religious communities: Hindu, Sikh, Buddhism, Jains, Paresis, and Christians if they entered Indian before 31 December 2014 but not Muslim.
* People from Myanmar or Srilanka were not allowed.
* Time spent decrease from 11 years to 5 years.

Home Ministry is responsible for implementing all law related to citizenship laws.

NRI & PIO

NRI: Non Resident Indian.

PIO: Person of Indian origin.