

Synopsis of the Citizenship Act, 1955

Introduction

The Constitution of India provides for a single citizenship for the entire country. The provisions relating to citizenship at the commencement of the Constitution are contained in Articles 5 to 11 in Part II of the Constitution of India. The Citizenship Act enacted by the Parliament in 1955 provides for acquisition and determination of citizenship.

Modes of acquiring Indian citizenship

By Birth (section 3)

A person born in India on or after 26th January 1950 but before 1st July 1987 is a citizen of India by birth irrespective of the nationality of his parents. A person born in India on or after 1st July 1987, is considered as a citizen of India only if either of his parents is a citizen of India at the time of his birth. Further, those born in India on or after 7th January 2004 are considered citizens of India only if both of their parents are citizens of India or one of whose parents is a citizen of India and the other is not an illegal migrant at the time of their birth.

By Descent (section 4)

A person born outside India on or after 26th January 1950 but before 10th December 1992 is a citizen of India by descent, if his father was a citizen of India at the time of his birth. A person born outside India on or after 10th December 1992, is considered as a citizen of India if either of his parents is a citizen of India at the time of his birth. From 07th January 2004, a person born outside India shall not be a citizen of India by virtue of this Section, unless his birth is registered at an Indian consulate within one year of the date of birth or with the permission of the Central Government, after the expiry of the said period. An application, for registration of the birth of a minor child, to an Indian consulate under Section 4(1) shall be made in Form I and shall be accompanied by an undertaking in writing from the parents of such minor child that he or she does not hold the passport of another country.

By Registration (section 5)

Citizenship of India by registration can be acquired by –

- a. persons of Indian origin, who or either of whose parents was born in undivided India and who are ordinarily resident in India for seven years;
- b. persons of India origin who are ordinarily residents in any country or place outside undivided India;

- c. persons who are or have been married to a citizen of India and who are ordinarily resident in India for five years;
- d. minor children both whose parents are Indian citizens;
- e. a citizen of Singapore and Canada who is resident in India for five years and eight years respectively.

By Naturalisation (section 6)

Citizenship of India by naturalisation can be acquired by a foreigner who is ordinarily resident in India for twelve years (continuously for the twelve months preceding the date of application and for eleven years in the aggregate in the fourteen years preceding the twelve months).

Registration of overseas citizens of India (Section 7 A)

“THE OVERSEAS INDIAN CITIZENSHIP (OIC) SCHEME HAS BEEN PUT ON HOLD TILL FURTHER ORDERS. NO APPLICATIONS FOR GRANT OF OIC MAY BE FILED. REVISED PROCEDURE AND FORMS SHALL BE POSTED IN DUE COURSE.”

Eligibility: The Central Government on application made in this behalf may register any person as an overseas citizen of India if: (a) that person is of Indian origin of full age and capacity who is a citizen of a [specified country](#); (b) that a person is of full age and capacity who has obtained the citizenship of a specified country on or after the commencement of Citizenship (Amendment) Act, 2003 and who was a citizen of India immediately before such commencement; (c) the person registered as an overseas citizen of India shall be an overseas citizen of India as from the date on which he is so registered.

No person who has been deprived of his Indian citizenship under this Act shall be registered as an overseas citizen of India except by an order of the Central Government. For this purpose, the expression “Persons of Indian origin” shall mean a citizen of another country who: (i) was eligible to become a citizen of India at the time of the commencement of the Constitution; (ii) belonged to a territory that become part of India after the 15th day of August 1947; and (iii) the children and grand-children of a person covered under clauses (i) and (ii), but does not include a person who is or had been at any time a citizen of Pakistan, Bangladesh or such other country as the Central Government may, by notification in the Official Gazette, specify.

Termination of Indian citizenship [section 9 (1)]

A person ceases to be a citizen of India consequent upon voluntarily acquiring the citizenship of another country.

Determination of National status [section 9 (2)]

The question about determination of national status of a person is decided by the Ministry of Home Affairs in such a manner and having regard to such evidence, as may be prescribed in this behalf.

Deprivation of Indian citizenship [section 10]

A citizen of India by naturalisation or by registration on account of marriage to an Indian citizen can be deprived of his citizenship by the Ministry of Home Affairs for specified reasons.

Procedure

An application for grant of citizenship is to be submitted to the Collector/ District Magistrate of the area where the applicant is resident. The Forms and the procedure are prescribed in the Citizenship Rules, 1956.

Forms

The following forms are to be used for making an application for grant of citizenship

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[Form I](#) - application under Section 4(1)

[Form IA](#) - application under section 5(1)(a).

[Form 1B](#) – acknowledgement under Section 5(1) (a), (c), (d) and (e)

[Form II](#) - application under section 5(1)(c).

[Form III](#) - application under section 5(1)(d).

[Form IIIA](#) – application under Section 5(1)(e)

[Form IIIB](#) – application under Section 5(1)(f)

[Form IIIC](#) – application under Section 5(1)(g)

[Form IV](#) - application under section 5(4).

[Form XII](#) - application under section 6(1).

[Form XV A](#) – Certificate of Resumption of Indian Citizenship

[Form XIX](#) – Application under Section 7A(1) (a)

[Form XIX A](#) – Application under Section 7A (1)(b)

[Form XIX B](#) - Application under Section 7A (1) (c)

[Form XX](#) – Certification of Registration

[Form XXII](#) – Declaration under Section 7C (1)

Fee

The Fee to be levied and collected in respect of the citizenship matters is specified in Schedule IV to the Citizenship (Third Amendment) Rules, 2004.

Specified Countries

The 16 specified countries for which overseas citizenship is available are :-

1. Australia
2. Canada
3. Finland
4. France
5. Greece
6. Ireland
7. Israel
8. Italy
9. Netherlands
10. New Zealand
11. Portugal
12. Republic of Cyprus
13. Sweden
14. Switzerland
15. United Kingdom
16. United States of America