



**LearnFrenzy**

QUALITY EDUCATION

GENERAL KNOWLEDGE

# CITIZENSHIP

A detailed study of Articles 5 to 11 of the Indian Constitution, the Citizenship Act of 1955, methods of acquisition, loss of citizenship, and OCI/PIO status.

**ONE DAY EXAM SERIES**

SESSION 2027-2028

EXAM PREP EDITION

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## Citizenship

### Constitutional provisions

- ❑ Provisions related to citizenship are mentioned in Articles 5 to 11 in Part-I of the Indian Constitution.
- ❑ There is a provision for single citizenship in India. There is no provision for citizenship according to different states in India, there is a single system for the whole of India.

#### PART-II Citizenship

- ❑ Article 5–Citizenship at the commencement of the Constitution.
- ❑ Article 6–Citizenship rights of certain persons migrating from Pakistan to India.
- ❑ Article 7–Citizenship rights of certain persons migrating to Pakistan.
- ❑ Article 8–Citizenship rights of certain persons of Indian origin residing outside India.
- ❑ Article 9–Persons voluntarily acquiring citizenship of a foreign State not to be citizens.
- ❑ Article 10–Continuance of rights of citizens i.e. the right of citizenship of a citizen cannot be taken away except by parliamentary legislation.
- ❑ Article 11–Right of citizenship to be regulated by law by Parliament i.e. Parliament shall have the power to make legislation relating to citizenship. For this purpose, Parliament has passed the Citizenship Act, 1955.

### Description of the articles Related to Citizenship in the Indian Constitution

#### 1. Article 5: Citizenship at the commencement of the Constitution

- ❑ Every person who resides within the territories of India and:
  - ◆ was born within the territories of India; or

- ◆ either of whose parents was born within the territories of India; or
- ◆ Any person who has been ordinarily residing within the territory of India for five years preceding the commencement of the Constitution shall be a citizen of India.

#### 2. Article 6: Citizenship rights of persons who have migrated from Pakistan to India

- ❑ Despite Article 5, a person who has migrated from Pakistan to India shall be granted citizenship if:
- ❑ He, either of his parents or any of his grandparents were born in India (according to the Government of India Act, 1935); and
- ❑ if he came over to India before 19th July, 1948 and has been ordinarily residing in India since the date of migration; or
- ❑ if he came over after 19th July, 1948 and has been registered as a citizen of India on an application made to an officer appointed by the Government of India.

#### 3. Article 7: Citizenship rights of persons who migrated to Pakistan

- ❑ If a person migrated from India to Pakistan after 1st March, 1947, he shall not be treated as a citizen of India.
  - ◆ But if such person returns to India from Pakistan and obtains an authorised permit for resettlement or permanent return, he shall be treated as having migrated to India after 19th July, 1948.

#### 4. Article 8: Citizenship rights of persons of Indian origin residing outside India

- ❑ Despite Article 5, a person whose parents or grandparents were born in India (according to the Government of India Act, 1935), and who is residing outside India:
  - ◆ If he has registered for Indian citizenship by applying to an Indian diplomat or commercial representative in that country, he shall be treated as an Indian citizen.

## 5. Article 9: Termination of citizenship of persons voluntarily acquiring foreign citizenship

- ❑ If a person acquires citizenship under Articles 5, 6 or 8 but has voluntarily acquired the citizenship of a foreign country, he shall cease to be an Indian citizen.

## 6. Article 10: Continuity of citizenship rights

- ❑ A person who is or is deemed to be a citizen under this Part shall, subject to any law made by Parliament, continue to be a citizen.

## 7. Article 11: Power of Parliament to regulate rights relating to citizenship

- ❑ Despite the provisions of this Part, Parliament has the power to make laws for the acquisition and termination of citizenship and other matters relating to citizenship.

## Comparing the Rights of Citizens and Foreigners

| Fundamental Rights available to Indian Citizens                                          | Fundamental Rights available to Foreigners (Indian Citizens as well)                                                          |
|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| Articles 15, 16, 19, 29 and 30 are Fundamental Rights available to Indian Citizens only. | Articles 14, 20, 21, 22, 23, 24, 25, 26, 27 and 28 are Fundamental Rights available to Indian Citizens as well as Foreigners. |

## Some privileges

### Guaranteed to Indian Citizens

The Constitution provides some special rights to Indian citizens, not to foreigners:

- ❑ Right to vote in Lok Sabha and State Assembly elections.
- ❑ Right to contest elections for membership of Parliament and State Legislature.
- ❑ Right to hold public posts such as President, Vice-President, Supreme Court and High Court Judge, State Governor, Attorney General and Advocate General.
- ❑ Along with the above rights, citizens also have to perform some duties towards India, such as paying taxes, respecting the national flag and national anthem, protecting the country, etc.

**Note:** In India, citizens born or naturalized (through any one of the 5 ways of acquiring citizenship) are eligible to become President, whereas in the US, only citizens born by birth can become President.

## Nature of Indian Citizenship

- ❑ The Constitution of India recognizes single citizenship, that is, one citizenship for the entire country.
- ❑ India allows its citizens to hold only Indian citizenship, not multiple citizenships.
- ❑ Citizenship is granted only to natural persons in India, not to legal persons such as companies, corporations, etc. ('State Trading Corporation of India Ltd. vs. Commercial Tax Officer' case, 1963).

## Various Ways of Acquiring Indian Citizenship

The Indian Citizenship Act, 1955 provides five grounds for acquiring Indian citizenship.

### 1. Citizenship by Birth

- ❑ A person born in India between January 26, 1950 and July 1, 1987 is an Indian citizen regardless of the nationality of the parents.
- ❑ A person born in India between July 1, 1987 and December 3, 2004 will be considered a citizen only if one of his parents is an Indian citizen.
- ❑ A person born after December 3, 2004 will be granted citizenship only if both his parents are Indian citizens or one is an Indian citizen and the other is not an illegal migrant.

### 2. Citizenship by Registration

- ❑ Certain categories of persons can apply for citizenship by registration:
  - ◆ A person of Indian origin who has resided in India for 7 years prior to the application.
  - ◆ A person married to an Indian citizen who has resided in India for 7 years.
  - ◆ A person whose parents are Indian citizens.
  - ◆ A person residing in India for one year after being an Overseas Citizen of India (OCI) for 5 years.

### 3. Citizenship by descent

- ❑ A person born abroad between January 26, 1950 and December 10, 1992 will be granted citizenship only if his father is an Indian citizen.
- ❑ A person born abroad between December 10, 1992 and December 3, 2004 will be granted citizenship if either of his parents is an Indian citizen.
- ❑ After December 3, 2004, it is mandatory to register birth within one year at the Indian Consulate.

#### 4. Citizenship by naturalization

- ❑ A person who has been a normal resident of India for 12 years can get citizenship by naturalization.
- ❑ Conditions: The applicant must have given up citizenship of another country and has resided continuously in India for the last 12 months.
- ❑ Should be well versed in any one of the languages mentioned in the Eighth Schedule of the Constitution.
- ❑ 5 years of residence is sufficient for refugees belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian communities from Afghanistan, Bangladesh or Pakistan.

**Note:** The Government of India may relax one or all of the above naturalization conditions if the person is engaged in science, art, philosophy, literature, world peace or any special service relating to human advancement. The person thus becoming a citizen has only to take an oath of allegiance to the Constitution of India.

#### 5. Citizenship by Incorporation of Territory

- ❑ If a new territory becomes a part of India, the Government of India may declare the people of that territory as Indian citizens.

#### Termination of Citizenship

- ❑ **Renunciation of Citizenship:** Any Indian citizen of full age and capacity can declare renunciation of citizenship under the prescribed format.
- ❑ **Termination of Citizenship:** If any Indian citizen voluntarily acquires citizenship of another country, his Indian citizenship will automatically end.
- ❑ **Deprivation of Citizenship:** An Indian citizen who has become a citizen of India by naturalization or registration can be deprived of citizenship by order of the Central Government.

#### Special status for foreign residents

- ❑ The Government of India provides certain facilities to certain people living abroad because the Government of India has given them a special status apart from citizenship.

#### Non-Resident Indians (NRI)

- ❑ These are citizens of India and hold Indian passports but live outside India for employment or business. Generally, if an Indian citizen lives abroad for a long time or expresses his intention to stay outside India indefinitely, he is given the status of Non-Resident

Indian (NRI). They get almost all the facilities available to citizens. They can do any work that the citizens of India can do. They have full right to vote. They have the right to education in India under the NRI quota. They can open an account in Indian banks in Indian currency.

#### Persons of Indian Origin (PIO)

- ❑ A person whose ancestors or he himself has been a citizen of India but is currently a citizen of some other country is called a person of Indian origin. It is noteworthy that those who are or have ever been citizens of Pakistan, Sri Lanka, Bangladesh, Nepal, Bhutan, Afghanistan or China cannot be included in the category of 'Persons of Indian Origin'. They do not have the right to vote and contest elections. They also have the right to education in NRI quota and to open an account in an Indian bank in Indian currency.

#### Overseas Citizen of India (OCI)

- ❑ Any person who is not and has never been a citizen of Bangladesh or Pakistan (and any other country as may be declared by the Government of India for this purpose) is classified as an 'Overseas Citizen of India'.

**Note:** By notification dated 9th January, 2015 (Gazette of India), the distinction between PIO and OCI card holders has been abolished and PIO cards will no longer be issued. All PIO cards will now have the status of OCI cards.

#### Single Citizenship in India

The Constitution of India does not permit dual citizenship, i.e. it is not possible to hold Indian citizenship and citizenship of another country simultaneously.

- ❑ The concepts of Overseas Citizenship of India (OCI) and Person of Indian Origin (PIO) are not considered dual citizenship.
- ❑ India has adopted the concept of single citizenship from Britain.

#### Citizenship (Amendment) Act, 2019

The Citizenship (Amendment) Act, 2019 amended the Citizenship Act, 1955 and provided special provisions for Hindus, Sikhs, Buddhists, Jains, Parsis or Christians of Afghanistan, Bangladesh and Pakistan.

#### Key Provisions

1. Persons who entered India till December 31, 2014 and have been exempted by the Government of India under

- the Passport Act (1920) and the Foreigners Act (1946) will not be treated as illegal migrants.
- The Act will not apply to the tribal areas of Assam, Meghalaya, Mizoram and Tripura under the Sixth Schedule.
  - It will also not apply to the Inner Line Areas notified under the Bengal Eastern Frontier Regulation, 1873. Entry for Indians into these areas is controlled through the Inner Line Permit (IPL).
  - For Hindus, Sikhs, Buddhists, Jains, Parsis or Christians from Afghanistan, Bangladesh or Pakistan, the total period of residence or Government service in India will be only 5 years instead of 11 years.
  - On acquiring citizenship, such persons will be treated as Indian citizens from the date of their entry into India

and all legal proceedings against them relating to illegal migration or citizenship will be dropped.

### National Register of Citizens (NRC)

- The NRC, 1951 is a register prepared after the 1951 census in respect of each village, showing sequentially the houses or holdings (land holdings) and against each house or holding (land holding) the names and number of persons residing therein.
- The NRC was published only once in 1951. The 1951 NRC and the 1971 voter list (up to midnight of March 24, 1971) together are called the legacy data.
- Individuals and their descendants whose names appear in these documents are certified as Indian citizens.

### Memorable Facts

- Provisions related to citizenship are mentioned in Part II of the Indian Constitution from Articles 5 to 11.
- Parliament in India has the right to make laws related to citizenship.
- Article-11 empowers the Parliament to make laws related to citizenship.
- Under Section 3-7 of the Citizenship Act, 1955, there are five ways of acquiring citizenship—birth, descent, registration, naturalization and inclusion of a new area in India.
- In Section 8A, 9 and 10 of the Citizenship Act, 1955, three conditions for termination of citizenship have been mentioned:
  - On renouncing citizenship,
  - On accepting citizenship of any other country,
  - Being deprived of citizenship by the Government of India.
- A high-level committee was also constituted by the Government of India in September, 2000 under the chairmanship of L.M. Singhvi on Indian Diaspora.

### Practice questions

- What is meant by 'dual citizenship', as in the case of the US?
  - Citizenship of two states simultaneously, with two countries
  - Citizenship of a country simultaneously with citizenship of the state where one resides/is born
  - Citizenship of two states simultaneously, with two countries
  - Citizenship of two countries simultaneously
- According to the Indian Constitution, how many ways are prescribed for granting citizenship?
  - 5 ways
  - 3 ways
  - 4 ways
  - 6 ways
- How many ways are there for termination of citizenship in India?
  - 3 ways
  - 2 ways
  - 4 ways
  - 5 ways
- What type of citizenship is applicable in India?
  - Single Citizenship
  - Dual Citizenship
  - Multiple Citizenship
  - None of these
- When was the Overseas Citizenship card introduced?
 

|          |          |
|----------|----------|
| (1) 2001 | (2) 2005 |
| (3) 2010 | (4) 2015 |

6. What is the Citizenship Amendment Act (CAA), 2019 related to?
    - (1) By giving voting rights to non-resident Indians
    - (2) By giving citizenship to minorities from Afghanistan, Pakistan and Bangladesh
    - (3) By giving government jobs to OCI card holders
    - (4) By allowing permanent residence to foreign citizens
  7. Which provisions of granting citizenship in India come under the jurisdiction of Parliament only?
    - (1) Granting citizenship by registration and naturalization
    - (2) Granting citizenship by birth and descent
    - (3) Terminating citizenship of a person
    - (4) Incorporating a territory into India
  8. What is the importance of Article 11 relating to citizenship in India?
    - (1) It only specifies the methods of acquiring citizenship.
    - (2) It determines citizenship laws permanently.
    - (3) It gives power to Parliament to make new laws relating to citizenship.
    - (4) It makes special provisions for migrants.
  9. What is the minimum period of residence in India for acquiring 'citizenship by registration' under the Citizenship Act, 1955?
    - (1) 5 years
    - (2) 7 years
    - (3) 10 years
    - (4) 12 years
  10. As per the Citizenship Amendment Act (CAA), 2019, eligible refugees can be granted Indian citizenship after how many years of residence?
    - (1) 11 years
    - (2) 10 years
    - (3) 5 years
    - (4) 7 years
  11. Why is 'dual citizenship' not implemented in India?
    - (1) It is against the Constitution.
    - (2) It may endanger national security.
    - (3) It is applicable only to non-resident Indians.
    - (4) The Indian Constitution recognises only 'single citizenship'.
  12. What was the name of the first law made by the Parliament regarding Indian citizenship?
    - (1) Indian Citizenship Act, 1947
    - (2) Indian Citizenship Act, 1955
    - (3) Indian Constitution Act, 1950
    - (4) Overseas Citizenship Act, 1967
  13. How many amendments have been made so far in the Indian Citizenship Act, 1955?
    - (1) 3
    - (2) 5
    - (3) 6
    - (4) 8
  14. Under what circumstances can a OCI card holder vote in India?
    - (1) An OCI card holder does not have the right to vote.
    - (2) If he has resided in India for 10 years.
    - (3) If he has regained Indian citizenship.
    - (4) If he is employed in a government job.
  15. When is Pravasi Bhartiya Divas (PBD) celebrated?
    - (1) 15 August
    - (2) 26 January
    - (3) 9 January
    - (4) 2 October
- SSC CHSL, 2023**
16. Which of the following is a correct statement regarding citizenship?
    - (1) Dual citizenship is permitted in India.
    - (2) Citizenship can be acquired in India by naturalisation.
    - (3) Citizenship in India can be acquired only by birth.
    - (4) The Citizenship Act, 1955 cannot be amended.
  17. Under Section 7 of the Indian Citizenship Act, 1955, who are given the status of 'Overseas Citizen of India' (OCI)?
    - (1) Persons whose parents or grandparents were Indians but have now acquired citizenship of another country.
    - (2) Persons who have been living in India for 10 years.
    - (3) Persons who are permanent citizens of any nation.
    - (4) Any foreign citizen who has been married and has lived in India for 5 years.
  18. Which of the following statements is not correct?
    - (1) According to Article 9, if an Indian citizen voluntarily acquires citizenship of another country, he shall cease to be an Indian citizen.
    - (2) Indian citizenship is mentioned in Part 2 of the Constitution.
    - (3) All the methods of acquiring citizenship are mentioned in the Constitution.
    - (4) The Indian Citizenship Act, 1955 contains provisions for termination of citizenship.

**Answer Key**

- |         |         |         |         |         |
|---------|---------|---------|---------|---------|
| 1. (2)  | 2. (1)  | 3. (1)  | 4. (1)  | 5. (2)  |
| 6. (2)  | 7. (1)  | 8. (3)  | 9. (2)  | 10. (4) |
| 11. (4) | 12. (2) | 13. (3) | 14. (1) | 15. (3) |
| 16. (2) | 17. (1) | 18. (3) |         |         |