

CITIZENSHIP IN INDIA

Citizenship refers to the legal status granted to individuals, allowing them to be recognized as members of a country and entitling them to certain rights, duties, and privileges. In India, the concept of citizenship is detailed in **Part II of the Indian Constitution** (Articles 5–11) and is governed by the **Citizenship Act of 1955**. Citizenship defines who is recognized as an Indian citizen, how one can acquire it, and under what conditions it may be revoked.

Key Concepts and Provisions of Indian Citizenship

1. Constitutional Provisions (Articles 5–11)

- **Article 5:** This article provides citizenship to people who were born or domiciled in India as of January 26, 1950. It includes individuals who had their permanent home in India.
- **Article 6:** Grants citizenship to those who migrated to India from Pakistan before July 19, 1948, as long as they have been residing in India since the date of migration.
- **Article 7:** Addresses the rights of people who migrated to Pakistan but later returned to India with permission for resettlement.
- **Article 8:** Provides citizenship for people of Indian origin residing outside India but registered as Indian citizens by Indian diplomatic offices.
- **Article 9:** States that any person who voluntarily acquires the citizenship of another country automatically loses Indian citizenship.
- **Article 10:** Ensures that every citizen of India, once given citizenship, continues to enjoy it unless it is terminated by law.
- **Article 11:** Grants the Parliament the power to regulate citizenship through laws.

2. Citizenship Act of 1955

The **Citizenship Act of 1955** provides detailed rules for acquiring, renouncing, and terminating citizenship in India. It outlines five main modes of acquiring citizenship:

1. By Birth:

- Any person born in India between January 26, 1950, and July 1, 1987, is a citizen of India, regardless of the nationality of their parents.
- For those born between July 1, 1987, and December 3, 2004, at least one parent must be an Indian citizen.

- For those born after December 3, 2004, both parents must be Indian citizens, or one parent must be an Indian citizen and the other should not be an illegal migrant.
2. **By Descent:**
 - A person born outside India is considered a citizen by descent if at least one parent is an Indian citizen at the time of birth. Additional provisions require the birth to be registered at an Indian consulate within a specified period.
 3. **By Registration:**
 - Citizenship can be acquired by registration for persons of Indian origin who reside in India for at least seven years or those married to an Indian citizen for a period of seven years, among other categories.
 4. **By Naturalization:**
 - A foreigner may become a citizen through naturalization after residing in India for at least twelve years and meeting other criteria. However, citizenship through naturalization is subject to certain restrictions, such as renouncing previous nationality.
 5. **By Incorporation of Territory:**
 - If any foreign territory becomes a part of India, the government may grant citizenship to the residents of that territory. For example, residents of Sikkim became Indian citizens when it was incorporated into India in 1975.

3. Loss of Citizenship

Citizenship can be lost in India in three ways:

1. **Renunciation:**
 - Voluntary renunciation of Indian citizenship by submitting a declaration to the government. This is mainly applicable to individuals acquiring citizenship of another country.
2. **Termination:**
 - Citizenship is automatically terminated if an Indian citizen voluntarily acquires citizenship of another country.
3. **Deprivation:**
 - The government can deprive a person of citizenship if it was obtained by fraud, involved illegal activities, or if the individual was disloyal to the Constitution, among other reasons.

Types of Citizenship

- **Single Citizenship:** India follows the principle of single citizenship, which means that all citizens are Indian citizens, and there are no separate citizenships for states.
- **Dual Citizenship:** India does not allow dual citizenship. However, the government introduced the **Overseas Citizen of India (OCI)** scheme, granting certain privileges to foreign citizens of Indian origin without full citizenship rights.

Overseas Citizenship of India (OCI)

The OCI scheme allows people of Indian origin to reside, work, and study in India without needing a visa. However, OCI cardholders do not have the right to vote, hold government office, or acquire agricultural property. They also cannot apply for Indian passports.

Constitutional Rights and Duties of Citizens

Indian citizens enjoy certain exclusive rights under the Constitution, including:

- **Right to Vote:** Only citizens can vote in national and state elections.
- **Right to Hold Public Office:** Only citizens are eligible for government jobs in India.
- **Right to Hold Constitutional Offices:** Certain high offices, such as the President, Vice President, and judges of the Supreme Court and High Courts, are open only to citizens.

In addition to these rights, citizens have **Fundamental Duties** listed in Article 51A of the Constitution, promoting respect for the Constitution, the national flag, and the national anthem, among others.

Amendments and Changes to Citizenship Law

The **Citizenship Amendment Act (CAA)** of 2019 made significant changes to the criteria for acquiring Indian citizenship, especially for religious minorities (Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians) from neighboring countries like Afghanistan, Bangladesh, and Pakistan who migrated to India before December 31, 2014. This amendment sparked debates and protests, particularly concerning the exclusion of Muslims and implications for India's secular fabric.

Importance of Indian Citizenship

1. **Rights and Privileges:** Indian citizenship confers a host of rights and privileges, including access to welfare programs, education, healthcare, and economic opportunities.
2. **National Identity:** Citizenship fosters a sense of belonging, loyalty, and responsibility toward the country.
3. **Social and Economic Opportunities:** Citizenship opens doors to various professional and social opportunities, allowing individuals to fully participate in India's growth and development.
4. **Protection Abroad:** Indian citizens receive protection from Indian embassies and consulates abroad in case of emergencies.