

PART II - INDIAN CITIZENSHIP - (ARTICLES 5-11)

- Part II of the Indian Constitution deals with citizenship and is contained in Articles 5 to 11.
- These provisions define who became a citizen of India at the commencement of the Constitution (26 November 1949) and lay down the basic framework for future citizenship law, which Parliament later detailed through the Citizenship Act, 1955.

What Part II covers

- Defines citizenship at the commencement of the Constitution (Article 5).
- Contains special rules for persons migrating to and from Pakistan due to partition (Articles 6 and 7).
- Provides for persons of Indian origin residing outside India (Article 8).
- Specifies that voluntary acquisition of a foreign citizenship leads to loss of Indian citizenship (Article 9).
- Clarifies that rights of citizenship continue as long as the person satisfies the criteria (Article 10).
- Grants Parliament the power to regulate citizenship by law (Article 11).

CITIZENSHIP

- Citizenship is the legal bond between an individual and a state, determining who is recognized as a full member of the polity with rights and duties.
- In India, it is defined in Part II of the Constitution (Articles 5–11) and further detailed in the Citizenship Act, 1955.
- Citizens enjoy civil and political rights (like those under Articles 15, 16, and 19), while aliens (non-citizens) have only limited rights.

PRINCIPLES DEFINES CITIZENSHIP

- Jus soli and jus sanguinis are two Latin-origin legal principles used to decide who becomes a citizen at birth.
- Most countries use either one as the main rule or combine both in their nationality laws.

Jus soli (Right of the soil)

- Means “right of the soil” or birthright citizenship: a person’s citizenship is determined by the place of birth, not by the parents’ citizenship.
- If a child is born within the territory of a jus soli country, it normally becomes a citizen of that country at birth, even if the parents are foreigners.
- Classic examples: USA, Canada, and many Latin-American countries largely follow this principle

Jus sanguinis (Right of the blood)

- Means “right of blood”: citizenship is determined by parentage, not by birthplace.
- A person is a citizen if one or both parents are citizens of that state, even if the child is born abroad.
- Many European and Asian countries (like Germany, Japan) give priority to this principle, often with some exceptions (e.g., if the child is born and long-resided in the country).

How India relates to these principles

- At commencement of the Constitution, India leaned more toward jus soli because birth in India itself was a key route to citizenship under Article 5.
- Later, the Citizenship Act, 1955 brought in strong jus sanguinis elements (e.g., citizenship by descent, registration of children of Indian parents abroad), so India now uses a mix of both

ARTICLE 5

- Article 5 of the Indian Constitution is titled “Citizenship at the commencement of the Constitution” and lays down the basic rule for who automatically became an Indian citizen when the Constitution came into force on 26 January 1950.
- It is the foundation of Indian citizenship; later, the Citizenship Act, 1955 fills in the rules for acquisition and loss after that date.

Article 5 says:

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

- (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 India for not less than five years immediately before the commencement,
- shall be a citizen of India.

The basic condition is domicile in India, and any one of clauses (a), (b), or (c) is enough; they are alternative, not cumulative.

What “domicile” means here

- Domicile means a person’s permanent home—the place where a person normally lives and intends to stay permanently, not just temporarily.
- Without domicile in India, even birth or 5-year residence will not make a person a citizen under Article 5.

Three modes of citizenship under Article 5

1. Birth in India

- A person born in India whose domicile is in India becomes a citizen, even if both parents are foreigners, as long as domicile is in India.
- This reflects the jus soli (right of the soil) principle at commencement.

2. Parent born in India

- A person not born in India but resident in India, whose either parent was born in India, becomes a citizen if domicile is in India.
- This reflects the jus sanguinis (right of blood) element.

3. Ordinary residence for 5 years

- A person who has been ordinarily resident in India for at least 5 years before 26-01-1950 also becomes a citizen, provided domicile is in India.
- “Ordinary residence” means habitual, continuous residence, not short-term visits.

Significance and principles embedded

- Single citizenship base: Article 5 applies to the whole of India; it does not create state-wise citizenship, reinforcing India’s single-citizenship principle.
- Transitional rule: It was meant to settle the initial list of citizens at independence, after which the Citizenship Act, 1955 governs future acquisition and termination.
- Judicial interpretation: In *Abdul Sattar Haji Ibrahim Patel v. State of Gujarat* (1964), the Supreme Court held that domicile is the primary requirement, and any one of the three conditions (birth, parent-birth, residence) is sufficient.

ARTICLE 6

Article 6 of the Indian Constitution deals with the right to citizenship of certain persons who migrated to India from Pakistan after the partition of British India in 1947. It is an exception to Article 5, meaning it applies “notwithstanding anything in Article 5” and is specifically designed to integrate Partition-migrants into the Indian citizenship framework.

What Article 6 says in simple terms

Article 6 grants citizenship at the commencement of the Constitution (26-01-1950) to a person who:

1. Migrated from Pakistan to India
 - The person must have come from the territory now included in Pakistan (undivided India, as per the Government of India Act, 1935) to India.
2. Born connection with undivided India
 - The person (or either of his/her parents or any of his/her grandparents) must have been born in India as defined in the Government of India Act, 1935.
3. Two time-based conditions
 - If migration was before 19-07-1948:
 - i. The person must have been ordinarily resident in India since the date of migration.
 - If migration was on or after 19-07-1948:
 - i. The person must have been registered as a citizen of India by an officer appointed for that purpose before the commencement of the Constitution, in the form and manner prescribed by the Government of the Dominion of India.

In short:

- Pre-19-07-1948 migrants from Pakistan → automatic citizenship if born-link to India and continuous residence in India.

- Post-19-07-1948 migrants from Pakistan → citizenship only if registered before 26-01-1950.

Purpose and significance

- Partition-oriented provision: Article 6 was created to handle the mass migration and communal upheaval caused by Partition, giving a legal basis for granting citizenship to those who left Pakistan for India.
- Exception to domicile rule: It overrides the general domicile + birth/parentage/5-year-residence rule of Article 5 for these specific migrants, recognising their special historical situation.
- Foundation for later law: Like the rest of Part II, it is commencement-focused; later details on registration and regularization are filled in by the Citizenship Act, 1955 and its amendments.

ARTICLE 7

- Article 7 of the Indian Constitution deals with the citizenship status of certain persons who migrated from India to Pakistan after 1 March 1947, and is a special Partition-related rule in Part II.
- It is linked closely to Articles 5 and 6 but overrides them in its own field.

What Article 7 says

The text can be summarised as:

- ***A person who, after 1 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.***

However, there is an important exception:

- If such a person returned to India under a permit for resettlement or permanent return issued by or under any law,
→ then that person is not excluded by Article 7,

→ and for the purposes of Article 6(b) is treated as if he or she migrated to India after 19 July 1948

Key points to understand

1. Negative or “exclusion” rule
 - Unlike Article 6 (which grants citizenship to migrants from Pakistan), Article 7 is mainly a denial- of-citizenship provision for those who migrated to Pakistan after 1-03-1947.
 - It says that such migrants will not be treated as Indian citizens, unless they later return under a valid permit.
2. Historical context (Partition)
 - This article was inserted to deal with the mass migration during partition (1947), when people moved across the new India–Pakistan border and their citizenship status became uncertain.
 - It distinguishes between those who permanently joined Pakistan and those who returned to India and wished to reintegrate
3. Connection with Article 6
 - The exception in Article 7 brings back certain returnees into the citizenship framework of Article 6(b):
 - They are treated as having migrated to India after 19-07-1948,
 - and then they can claim citizenship under Article 6 if they satisfy the birth-link and registration conditions.

ARTICLE 8

- Article 8 of the Indian Constitution deals with citizenship of certain persons of Indian origin who are residing outside India.
- It is a special provision inserted to maintain a legal link with the Indian diaspora at the time of commencement of the Constitution (26-01-1950).

What Article 8 says

Article 8 states (in simple terms):

- Notwithstanding anything in Article 5,
- 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 (i.e., undivided India, including areas now in Pakistan and Bangladesh),
- and who is ordinarily residing in any country outside India → shall be deemed to be a citizen of India.

In other words, even if such a person has no domicile in India and does not satisfy the general conditions of Article 5, they can still be treated as an Indian citizen because of their ancestral-birth link to undivided India

Key features and purpose

1. Exception to domicile rule
 - Article 8 overrides Article 5, so it is possible for a person ordinarily residing abroad to be deemed an Indian citizen without domicile in India.
 - This was intended for overseas Indians who had strong family ties to British India but lived abroad at the time of commencement.
2. Ancestry-based criterion
 - The condition is birth-link: either the person, or one parent, or one grandparent must have been born in the territory of India under the 1935 Act.

- This reflects a jus sanguinis (right of blood)-type approach for people of Indian origin abroad.
3. Ambit and limitations
- Article 8 is not open-ended forever: in practice, courts have held that it mainly covers those who were ordinarily residing outside India at the commencement of the Constitution.
 - Later citizenship matters of overseas Indians (including children born abroad) are largely governed by Parliament's Citizenship Act, 1955, not Article 8 itself.

ARTICLE 9

- Article 9 of the Indian Constitution deals with loss of Indian citizenship on voluntary acquisition of foreign citizenship.
- It is a key provision that enforces India's single-citizenship principle and prevents dual citizenship for ordinary citizens.

Article 9 states:

“No person shall be a citizen of India by virtue of Article 5, or 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.”

Core principles and significance

1. Single citizenship and single allegiance
 - Article 9 reflects the idea that an Indian citizen should owe primary loyalty to India only, not split loyalty between India and another state.
 - It is one of the main constitutional bars on dual citizenship for normal citizens.
2. Scope: Articles 5, 6 and 8
 - The provision specifically stops people from benefiting from the original citizenship categories (commencement-time domicile,

migration-related, and diaspora-link) if they voluntarily take foreign nationality.

- Later, the Citizenship Act, 1955 (especially Section 9) repeats and elaborates this rule for citizens who acquired nationality after 1950.

3. Consequences of loss of citizenship

- On voluntary acquisition of foreign citizenship, such a person:
 - Ceases to be an Indian citizen,
 - Loses electoral rights (right to vote, stand for election), and
 - Becomes ineligible for constitutional and many public-service posts reserved for citizens.
- In practice, this is operationalised through renunciation procedures (Form XXII) and surrender of Indian passport.

ARTICLE 10

Article 10 of the Indian Constitution is entitled “Continuance of the rights of citizenship” and ensures that citizenship once granted does not automatically disappear. It is a short but important transitional and protective clause in Part II (citizenship).

The text reads:

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

In simple terms:

- Anyone who becomes or is recognised as an Indian citizen under Articles 5, 6, or 8 → continues to be an Indian citizen,
- Unless Parliament passes a law that changes or removes that status (for example, through deprivation, renunciation, or termination).

Core meaning and significance

1. Stability and continuity of citizenship
 - Article 10 provides legal stability: once a person is counted as a citizen at or after commencement, that status does not vanish by itself; it continues until Parliament proactively alters it.
 - It prevents arbitrary or automatic cancellation of citizenship by the executive.
2. Link with earlier Articles 5–8 and Article 11
 - It depends on the “foregoing provisions” (Articles 5–9) and then bridges to Article 11, which gives Parliament power to regulate citizenship by law.
 - In practice, rules on loss, termination, or deprivation of citizenship are in the Citizenship Act, 1955, framed under Article 11, but Article 10 ensures that no such loss can happen without a valid law.

ARTICLE 11

- Article 11 of the Indian Constitution is titled “Parliament to regulate the right of citizenship by law” and gives exclusive legislative power to Parliament over all citizenship matters after the initial constitutional definitions (Articles 5–10).
- It is the bridge between the Constitution’s basic citizenship clauses and the detailed Citizenship Act, 1955.

The text reads:

“Nothing in the foregoing provisions of this Part shall derogate from the power of Parliament to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship.”

Key points and significance

1. Exclusive power to Parliament

- Article 11 establishes that only Parliament (not the states) can make laws on citizenship, acquisition, termination, and related matters.
 - This is reinforced by Entry 17 of the Union List (Seventh Schedule), which places citizenship, aliens and naturalization under the Union's legislative domain.
2. Connection with the Citizenship Act, 1955
- The Citizenship Act, 1955 (and later amendments like the Citizenship Amendment Act, 2019) has been enacted under the power of Article 11.
 - It fills in the modes of acquisition (birth, descent, registration, naturalisation), renunciation, termination, and OCI-type provisions that the Constitution itself does not detail.
3. Philosophy: flexible, not rigid
- The Constituent Assembly wanted flexibility rather than a rigid, permanent citizenship code.
 - Article 11 allows Parliament to adapt citizenship laws to changing situations such as migration, refugees, and security concerns while staying within constitutional bounds.

CITIZENSHIP AMENDMENT ACT, 2019

- The Citizenship Amendment Act (CAA), 2019 is an amendment to the Citizenship Act, 1955 that introduces a religion-based fast-track route to Indian citizenship for certain categories of migrants from three neighbouring countries.
- It is one of the most debated pieces of legislation in recent Indian political and constitutional discourse.

What the CAA, 2019 says

- The Act amends the Citizenship Act, 1955 to provide that Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians from Afghanistan, Bangladesh, and Pakistan who entered India on or before 31 December 2014 will not be treated as “illegal migrants” and can be granted Indian citizenship.
- Their residence requirement for naturalisation is relaxed from 11 years to 5 years (earlier rule) and, in practice, the government has framed even shorter accelerated routes under the CAA rules.
- The Act explicitly excludes Muslims from this benefit, even if they are also persecuted or illegal migrants from these three countries.

Key features and exemptions

- Eligible communities:
 - Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians from Afghanistan, Bangladesh, and Pakistan.
- Entry cut-off: Migration must have occurred on or before 31-12-2014.
- Relaxation of residence requirement:
 - Ordinary naturalisation needs 11 years of residence; for CAA-eligible persons the period is reduced, eventually implemented in rules as 5 years or less in specific schemes.
- Territorial exemptions:
 - The CAA does not apply to areas under the Sixth Schedule (tribal-dominant areas in Assam, Meghalaya, Tripura, Mizoram).

- It also excludes areas covered by the Inner Line Permit (ILP) system in the Northeast, to protect local tribal communities and land rights.

NATIONAL REGISTER OF CITIZENS

- The National Register of Citizens (NRC) is an official record that lists all genuine Indian citizens in a particular area, originally created after the 1951 Census in Assam and later updated to weed out “illegal migrants” and to establish a clear, verified list of citizens.
- It has become one of the most sensitive contemporary issues because of its links with immigration, verification of identity, and claims of citizenship deprivation.

What is NRC and how it works

- **Definition:** The NRC is a register of Indian citizens; anyone whose name is not in it may be treated as a non-citizen or “illegal migrant”.
- **Legal basis:** It draws support from the Citizenship Act, 1955 and Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003, which require compulsory registration of citizens.

In Assam:

- The only state-level NRC was updated in Assam under the supervision of the Registrar General and Census Commissioner, India, and the Supreme Court.
- The cut-off date is 24 March 1971: the names of those in the 1951 NRC or in any electoral roll up to 24-03-1971 were treated as the “legacy data”, around which the updated NRC was built.

Objectives of NRC

- **Detect illegal migrants:** The main stated objective is to identify and deport illegal immigrants, especially those allegedly entering from Bangladesh after 1971.

- Protect “genuine citizens”: By creating a clear list of citizens, the NRC aims to safeguard the rights, resources, and political voice of genuine residents of Assam.
- National-security and administrative clarity: A verified citizen-list helps the state manage welfare schemes, voting rolls, and security concerns in a sensitive border area.

Current status and debate

- So far, an Assam-only NRC has been updated and published; there is no legally implemented nationwide NRC yet, although the idea has been floated in political discourse.
- The final excluded list in Assam remains entangled in legal and political limbo: people are appealing in tribunals and courts, and the state and Union governments have shied away from large-scale mass deportation due to diplomatic complexities and human-rights concerns

NATIONAL POPULATION REGISTER

- The National Population Register (NPR) is a database of “usual residents” of India, maintained at village/ward, sub-district, district, state, and national levels.
- It is not a citizenship-check register like the NRC, but a demographic and identity database for all usual residents, including foreigners.

What NPR is and its legal basis

- **Definition:**
 - The NPR is a list of all usual residents of India, defined as people who have stayed in a local area for 6 months or more, or who intend to stay there for 6 months or more.
 - It includes both Indian citizens and foreign citizens who meet this “usual residence” test.

Legal basis:

- NPR is prepared under the Citizenship Act, 1955 and the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003.
- It is compulsory for every usual resident to register; the data feeds into the proposed Multi-Purpose National Identity Card (MP-NIC) system

Purpose and objectives

- Common identity database:
 - NPR aims to create a comprehensive digital identity database containing demographic and biometric details (name, date of birth, address, Aadhaar-linked biometrics, etc.) of every usual resident.
 - This can be used for delivering welfare schemes, policing, disaster management, and planning.
- Link with Census and NRC:
 - The NPR update is usually done alongside the Census (e.g., NPR 2010, update 2015, planned updation with Census-2021 framework).
 - The NRC is theoretically a subset of NPR, since the NRC registers only citizens, whereas NPR covers all usual residents.

NPR vs NRC

- NPR:
 - Register of all usual residents (Indians + foreigners).
 - Based on self-declaration, no strict document-verification here.
 - Aim: identity and administrative database.
- NRC:
 - Register of Indian citizens only.
 - Involves document-based verification and exclusion of “illegal migrants”.
 - Aim: citizenship-verification and deportation of illegal migrants (at least in Assam so far).

Caste enumeration in Ph-2, says Census Commissioner

Harikishan Sharma
New Delhi, March 30

WITH THE first phase of Census 2027 set to launch on April 1, the Centre on Monday said caste enumeration will be conducted during the second phase of the exercise, known as Population Enumeration (PE).

Addressing a press conference, Registrar General and Census Commissioner Mritunjay Kumar Narayan detailed the two-pronged structure. Phase 1 includes Houselisting and Housing Census (HLO), focusing on housing conditions, available amenities and household assets. The second phase provides data on demographic, socio-cultural and economic parameters, including migration and fertility.

"As decided by CCPA [Cabinet Committee on Political Affairs], enumeration of castes will also be done during the second phase of Census," Narayan said.

He said the questions for the first phase were notified on January 22 this year, while the schedule and questionnaire for the second phase will be published in due course.

The Census exercise will kick off April 1 with self-enumeration, allowing people to digitally submit information during the 15-day window preceding the first phase, Narayan said. This will be followed by house-to-house houselisting operation by designated enumerators beginning April 16. The first phase is scheduled to be completed within a 30-day window between April and September.

Narayan asked people to



Registrar General and Census Commissioner Mritunjay Kumar Narayan in New Delhi on Monday. AMIT MEHRA

provide accurate information to census enumerators. "All individual data collected during the exercise remains confidential. It cannot be shared with any organisation, be it government or private, under the Right to Information Act, or used as evidence in a court," he said. He also made it clear that no documents shall be collected during the exercise.

Census 2027 will cover 36 states and UTs, 784 districts, 5,127 statutory towns, 4,580 census towns and 6,39,902 villages.

Replying to a query about the update of the NPR, Narayan said no decision has been taken to update the NPR as of now.

Asked about the West Bengal government not publishing the Census notification yet, Narayan said, "We have taken up this issue with them. We hope that the state will publish the notification, which is a legal requirement. For the first phase, we have time till September 2026."

The official said first set of Census data is expected to be available in 2027.

• FIRST LEG OF DATA COLLECTION

STATE/UT	SELF-ENUMERATION PERIOD	HOUSELISTING AND HOUSING CENSUS PERIOD
Andaman and Nicobar Islands, Delhi (New Delhi Municipal Council and Delhi Cantonment Board), Goa, Karnataka, Lakshadweep, Mizoram, Odisha, and Sikkim.	1 April to 15 April	16 April to 15 May
Gujarat*, Dadra and Nagar Haveli and Daman and Diu	5 April to 19 April	20 April to 19 May
Uttarakhand	10 April to 24 April	25 April to 24 May
Madhya Pradesh, Andhra Pradesh, Arunachal Pradesh, Chandigarh, Chhattisgarh, and Haryana	16 April to 30 April	1 May to 30 May
Bihar	17 April to 1 May	2 May to 31 May
Telangana	26 April to 10 May	11 May to 9 June
Punjab	30 April to 14 May	15 May to 13 June
Delhi (Municipal Corporation of Delhi), Maharashtra, Meghalaya, Rajasthan and Jharkhand**	1 May to 15 May	16 May to 14 June
Uttar Pradesh	7 May to 21 May	22 May to 20 June
Jammu and Kashmir, Ladakh, and Puducherry	17 May to 31 May	1 June to 30 June
Himachal Pradesh	1 June to 15 June	16 June to 15 July
Kerala and Nagaland	16 June to 30 June	1 July to 30 July
Tamil Nadu and Tripura	17 July to 31 July	1 Aug to 30 Aug
Assam	2 Aug to 16 Aug	17 Aug to 15 Sep
Manipur	17 Aug to 31 Aug	1 Sep to 30 Sep
West Bengal	To be decided	

*GUJARAT- SUBJECT TO CHANGE, **JHARKHAND- NOTIFICATION OF INTENTION TO CONDUCT CENSUS PUBLISHED. FOR HLO PERIOD NOTIFICATION TO BE ISSUED; SOURCE: PIB

Infiltration not just poll issue, it is about safeguarding national security, says PM

Press Trust of India
New Delhi, March 30

ACCUSING THE Congress of “allowing” land grabbing by infiltrators, PM Narendra Modi said on Monday infiltration into Assam is not just an election issue but is about safeguarding the identity of the state and national security.

Addressing virtually the

“Infiltration is not just an election issue. It is an issue to safeguard the identity of Assam and national security. Congress allowed illegal land grabbing by infiltrators. Wherever infiltrators settle, they capture small businesses and the livelihoods of local people,” he said. “People must know that Congress allowed encroachment, but the BJP is protecting rights.”

“We have seen the era when Assam was burning in violence... But today, we can see a new confidence as the BJP’s double-engine government has made every effort for peace,” he said.

“Congress betrayed the Bodo cause. We are sincerely implementing peace agreements on the ground,” he said.

Meanwhile, virtually ad-

ressing the BJP booth-level workers in Puducherry, Modi said people will not allow Congress and DMK to come to power as they stand for “family first”, rather than public interest.

“Despite their (Congress-DMK) ongoing conflicts, their behaviour remains unchanged. They are well aware the people of Puducherry will not give them another opportunity,” he said.