

CITIZENSHIP

CITIZENS

Citizens are full members of the Indian State and enjoy all civil and political rights.

Rights Available Only to Citizens

- Protection against discrimination (Art. 15)
- Equal opportunity in public employment (Art. 16)
- Freedoms under Article 19 (speech, movement, residence, etc.)
- Cultural and educational rights (Arts. 29–30)
- Right to vote in Lok Sabha and State Assembly elections
- Right to contest elections to Parliament and State Legislatures
- Eligibility for high offices like President, Vice President, Governor, SC/HC Judge, Attorney General, Advocate General

Basic Duties of Citizens

- Paying taxes
- Respecting national symbols
- Defending the nation

Single Citizenship

- India follows single citizenship (no separate state citizenship)
- Unlike the USA/Switzerland, which follows dual citizenship (state + union)

ALIENS

- Citizens of another country
- Do not enjoy all civil or political rights

Types

1. **Friendly Aliens:** From countries having good relations with India
2. **Enemy Aliens:** From countries at war with India, enjoy fewer protections during conflict

CONSTITUTIONAL PROVISIONS (Articles 5–11)

Article 5

Citizenship at the commencement of the Constitution.

Article 6

The rights of certain persons who migrated from Pakistan to India.

Article 7

Persons who migrated to Pakistan but returned under a permit of resettlement.

Article 8

Persons of Indian origin living abroad.

Article 9

Anyone voluntarily acquiring foreign citizenship cannot remain an Indian citizen.

Article 10

Rights of citizenship continue unless lawfully terminated.

Article 11

Parliament is empowered to make laws on the acquisition and termination of citizenship.
→ Led to the enactment of the **Citizenship Act, 1955** (amended multiple times, latest in 2019).

ACQUISITION OF CITIZENSHIP (Citizenship Act, 1955)

1. By Birth

- **1950–1987:** Anyone born in India is a citizen
- **1987–2004:** Citizen if either parent is Indian
- **After 3 Dec 2004:** Both parents are Indian OR one is Indian and the other is not an illegal migrant

Exceptions:

- Children of foreign diplomats
- Children of enemy aliens in occupied territory

2. By Descent

For those born abroad:

- If father was an Indian citizen (1950–1992)
- If either parent is Indian (post-1992)
- Must register at an Indian Consulate within one year (with conditions)

3. By Registration

Eligible categories include:

- Persons of Indian origin residing in India for 7 years
- PIOs residing abroad
- Foreign spouses of Indian citizens residing in India for 7 years
- Minor children of Indian citizens
- OCI cardholders after fulfilling the conditions

4. By Naturalisation

A foreigner (not an illegal migrant) can apply if:

- Residence in India for 12 years (1 year + 11 years aggregate in preceding 14 years)
- Has adequate knowledge of an Indian language
- Good character
- Intention to reside in India
- Ready to renounce previous citizenship

The government may relax conditions for individuals who have contributed significantly to science, art, literature, world peace, etc.

5. By Incorporation of Territory

If a foreign territory becomes part of India (e.g., Pondicherry in 1962), residents become Indian citizens as notified.

LOSS OF CITIZENSHIP

1. Renunciation

A citizen of full age can voluntarily give up citizenship.
During war, the government may withhold registration.
Minor children lose citizenship along with the parent, but may resume it at 18.

2. Termination

Automatic when an Indian citizen voluntarily acquires a foreign nationality.
(Except during war)

3. Deprivation

The government can revoke citizenship if:

- Obtained by fraud
- Acts against the Constitution
- Unlawful trade/communication with an enemy during war
- Sentenced to imprisonment for 2 years within 5 years of registration
- Living abroad continuously for 7 years (with exceptions)

OVERSEAS CITIZEN OF INDIA (OCI)

Who Can Apply?

- Former Indian citizens
- Persons eligible to become citizens in 1950
- Residents of territories that joined India after 15 Aug 1947
- Children/grandchildren/great-grandchildren of such persons
- Minor children of Indian citizens
- Foreign spouses of Indian citizens or OCI cardholders (marriage registered and subsisting for ≥ 2 years)

Rights NOT Available to OCI

- No voting
- No membership in the legislature
- No constitutional posts
- No government employment (in most cases)

Benefits to OCI

- Lifelong multipurpose visa
- No police reporting
- Parity with NRIs in:

- Economic/educational fields (except purchase of farm land)
- Inter-country adoption
- Entry fees for monuments
- Practising professions like medicine, law, architecture, and CA
- Appearing for certain entrance tests
- Parity with residents in domestic airfares and entry to national parks

Cancellation of OCI

Possible for:

- Registration via fraud
- Disaffection towards the Constitution
- Helping an enemy during war
- Breaking notified laws
- Imprisonment of more than 2 years within 5 years of registration

CITIZENSHIP AMENDMENT ACT (CAA) 2019

Who Gets Protection?

Illegal migrants who meet all 4 conditions:

1. Belong to **Hindus, Sikhs, Buddhists, Jains, Parsis, Christians**
2. From **Afghanistan, Bangladesh, Pakistan**
3. Entered India **on or before 31 Dec 2014**
4. Not residing in tribal areas under the Sixth Schedule or ILP areas (Arunachal, Mizoram, Nagaland)

Major Change

- Naturalisation period reduced: **11 years → 5 years**

NRC (National Register of Citizens)

A list of **Indian citizens**.

Those not included are treated as illegal migrants.

- First prepared after the Census of 1951.
- Updated only in **Assam (2019)**.
- The burden of proof lies on the individual.

NPR (National Population Register)

A list of **usual residents** (6-month stay or intention to stay).
May include foreigners.

If a nationwide NRC is created, it can be based on NPR verification.