

Citizenship

- **India** is following the citizenship of **single citizenship**. If an Indian **citizenship** acquired any of the other countries citizenship, he/she will lose the Indian citizenship. The parliament has the power to regulate the citizenship act.
- From **England's constitution** the **concept of single citizenship** was borrowed.

Constitution Part II has the following articles:

- **Article 5.** Citizenship at the commencement of the Constitution.
- **Article 6.** Rights of citizenship of certain persons who have migrated to India from Pakistan.
- **Article 7.** Rights of citizenship of certain migrants to Pakistan.
- **Article 8.** Rights of citizenship 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 the rights of citizenship.
- **Article 11.** Parliament to regulate the right of citizenship by law.

Acquisition of Indian Citizenship

Indian Citizen Ministry of Home Affairs states that Indian citizenship can be acquired by birth, descent, registration and naturalization. The conditions and procedure for acquisition of Indian citizenship as per the provision of the Citizenship Act, 1955 are given below:

1. By Birth (Section 3)

- A person born in India on or after 26th January 1950 but before 1st July, 1987 is citizen of India by birth irrespective of the nationality of his parents.
- A person born in India on or after 1st July, 1987 but before 3rd December, 2004 is considered citizen of India by birth if either of his parents is a citizen of India at the time of his birth.

- A person born in India on or after 3rd December, 2004 is considered citizen of India by birth if both the parents are citizens of India or one of the parents is a citizen of India and the other is not an illegal migrant at the time of his birth.
- An 'illegal migrant' as defined in section 2(1)(b) of the Act is a foreigner who entered India.
- Without a valid passport or other prescribed travel documents.
- With a valid passport or other prescribed travel documents but remains in India beyond the permitted period of time.

2. 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 by birth at the time of his birth. In case the father was a citizen of India by descent only, that person shall not be a citizen of India, unless his birth is registered at an Indian Consulate within one year from the date of birth or with the permission of the Central Government, after the expiry of the said period.
- A person born outside India on or after 10th December 1992 but before 3rd December, 2004, is considered as a citizen of India if either of his parents was a citizen of India by birth at the time of his birth. In case either of the parents was a citizen of India by descent, that person shall not be a citizen of India, unless his birth is registered at an Indian Consulate within one year from the date of birth or with the permission of the Central Government, after the expiry of the said period.
- A person born outside India on or after 3rd December, 2004 shall not be a citizen of India, unless the parents declare that the minor does not hold passport of another country and 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.

3. By Registration (Section 5(1))

- Indian Citizenship by registration can be acquired (not illegal migrant) by: -

- Persons of Indian origin who are ordinarily resident in India for SEVEN YEARS before making application under section 5(1)(a) (throughout the period of twelve months immediately before making application and for SIX YEARS in the aggregate in the EIGHT YEARS preceding the twelve months).
- Persons of Indian origin who are ordinarily resident in any country or place outside undivided India under section 5(1)(b).
- Persons who are married to a citizen of India and who are ordinarily resident in India for SEVEN YEARS (as mentioned at (a) above) before making application under section 5(1)(c).
- Minor children whose both parents are Indian citizens under section 5(1)(d)
- Persons of full age whose both parents are registered as citizens of India under section 5(1)(a) or section 6(1) can acquire Indian citizenship under section 5(1)(e).
- Persons of full age who or either of the parents were earlier citizen of Independent India and residing in India for ONE YEAR immediately before making application under section 5(1)(f).
- Persons of full age and capacity who has been registered as an OVERSEAS CITIZEN OF INDIA (OCI) for five years and residing in India for ONE YEAR before making application under section 5(1)(g).

4. By Registration (Section 5(4))

Any minor child can be registered as a citizen of India under Section 5(4), if the Central Government is satisfied that there are special circumstances justifying such registration. Each case would be considered on merits.

5. By Naturalization (Section 6)

Citizenship of India by naturalization can be acquired by a foreigner (not illegal migrant) who is ordinarily resident in India for TWELVE YEARS (throughout the period of twelve months immediately preceding the date of application and for ELEVEN YEARS in the aggregate in the FOURTEEN YEARS preceding the twelve months) and other qualifications as specified in Third Schedule to the Act.

Loss of Indian Citizenship:

The **Citizenship Act, 1955** prescribes whether acquired under the act or prior to it under the Constitution viz. **renunciation, termination and deprivation**.

1. Renunciation:

It is a **voluntary act by which a person, after acquiring the citizenship of another country, gives up his Indian Citizenship**. This provision is subject to certain conditions.

2. Termination:

It takes place **by operation of law when an Indian citizen voluntarily**. He **automatically ceases to be an Indian citizen**.

3. Deprivation:

- It is a **compulsory termination of Indian citizenship by the Central government**, if
 - ✓ The citizen has obtained the **citizenship by fraud**.
 - ✓ The citizen has shown **disloyalty to the Constitution of India**.
 - ✓ The citizen has **unlawfully traded or communicated with the enemy during a war**.
 - ✓ The citizen has, **within five years after registration or neutralization, been imprisoned in any country for two years**.
 - ✓ The citizen has been **ordinarily resident out of India for seven years continuously**.

Citizenship - Questions

1. Which part of the constitution is about citizenship?
 - a. Part 1, Article 5 to 10
 - b. **Part 2, Article 5 to 11**
 - c. Part 2 , Article 5 to 13
 - d. Part 3, Article 5 to 11
2. India is following the citizenship of
 - a. **Single citizenship**
 - b. Dual citizenship
 - c. Both
 - d. None of the both

3. Which of the following are true about Indian constitution act?
1. This act is already classified before the constitution commencement
 2. If an Indian citizenship acquired any of the other countries citizenship, he/she will lose the Indian citizenship.
- a. 1 only true b. **2 only true** c. 1 and 2 is true d. 1 and 2 is false.
4. Who has the power to regulate the citizenship act?
- a. President b. **Parliament** c. Supreme court d. Prime Minister
5. Which of the following are not the way to acquire citizenship?
- By getting the Citizenship of another country**
 - By Registration
 - Adding the territory
 - All of the above
6. Which of the following are reasons for losing the citizenship?
1. If anyone can used the foreigner citizenship who has already registered to obtain Indian citizenship.
 2. One who didn't obey the Indian constitution and he has unlawfully trade or communicated with the enemy country.
 3. If any foreign territory becomes a part of India, the Government of India specifies the persons who among the people of the territory shall be the Citizens of India. Such persons become the citizen of India from the notified date in the Gazette.
 4. One who born the day after citizenship amendment act 1992 and one of his/her parent is an Indian, he/she will lose the citizenship.
- a. **1 & 2** b. 1 & 4 c. 2 & 4 d. 3 & 4

7. Listen to the following statements:
1. One who born the day after citizenship amendment act 1992 and one of his/her parent is an Indian, he/she can obtain Indian citizenship.
 2. A person of full age and capacity who, or either of his parents, was earlier citizen of Independent India, and has been residing in India for one year Immediately before making an application for registration.
- a. 1 only true
- b. 2 only true
- c. 1 and 2 is true
- d. 1 and 2 is false.
8. According to our Indian constitution in which it empowers the provision of citizenship act?
- a. Indian citizenship act 1950
 - b. Indian citizenship act 1951
 - c. **Indian citizenship act 1955**
 - d. Indian citizenship act 1956.
9. How can a person get Indian citizenship who is married to a citizen of India and ordinarily resident in India?
- a. By descent **b. By registration** c. By Birth d. By Incorporation of Territory.
10. When an Indian citizen voluntarily acquires the citizenship of another country, the citizenship will be
- a. **Terminate** b. Acquires c. Both d. None of the both
11. When the Indian constitution commencement on 1950 how many years a citizen wanted to be an ordinary resident for get a citizenship?

- a. Want to complete 2 years b. Want to complete 3 years **c. Want to complete 5 years**
d. None

12. Listen to the following statements:

1. There are three types to Obtain a citizenship in India.
 2. There are five types to obtain a citizenship in India
- a. 1 only true b. 2 only true c. 1 and 2 is true **d. 1 and 2 is false.**

13. Listen to the following statements:

1. A person who migrated to India from Pakistan became an Indian citizen when the commencement of Indian constitution.
 2. But either of his parents or any of his grandparents had ordinarily resident in India before 1935.
- a. 1 only true b. 2 only true **c. 1 and 2 is true** d. 1 and 2 is false.

14. Listen to the following statements:

1. Before the commencement of the Indian constitution if a person voluntarily acquired the citizenship of any foreign country he will lose the citizenship.
 2. A person who, or any of whose parents or grandparents, was born in undivided India but who is ordinarily residing outside India shall become an Indian citizen if he has registered.
- a. 1 only true b. 2 only true **c. 1 and 2 is true** d. 1 and 2 is false.

15. Listen to the following statements:

1. As per the First schedule of citizenship act, a person can obtain citizenship by registration.

2. As per the first schedule of citizenship act , any person full of age , capacity can apply legally and get citizenship.
a. 1 only true b. 2 only true **c. 1 and 2 is true** d. 1 and 2 is false.

16. Listen to the following statements:

1. When an Indian citizen voluntarily acquires the citizenship of another country, His Indian citizenship automatically terminates.
 2. If anyone can used the foreigner citizenship who has already registered and misuses to obtain Indian citizenship.
- a. 1 only true b. 2 only true **c. 1 and 2 is true** d. 1 and 2 is false.

17. Listen to the following statements:

Assertion: A person, or any of whose parents or grandparents born in India regarding with the Government of India act 1935, but who lives outside of India is considering as Indian Citizen.

Reason : That person wants to apply for the Indian embassy and he/she wants to register their name as a Indian citizen.

- a. Both [A] and [R] true, and [R] is correct explanation for [A]
- b. Both [A] and [R] true, and [R] is not correct explanation for [A]**
- c. [A] is true but [R] is false
- d. [A] is false but [R] is true

18. From which country's constitution the concept of single citizenship is borrowed?

- a. South Africa b. America c. France **d. England**

19. Which article explains about the Loss of Citizenship?

- a. Article 5 b. Article 8 c. Article 6 **d. Article 9**

20. A person born on or after 24.01.1950, before the amendment of 1992 act outside of India but whose father was a Indian citizen at that time, the person is citizen
- a. By Birth **b. By descent** c. By registration d. None of the above.

winmeen.com