UNIT 10: CITIZENSHIP

UNIT STRUCTURE

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10.1 LEARNING OBJECTIVES

After going through this unit, you will be able to:

- explain the meaning of Citizenship
- analyse the constitutional and legal provisions relating to the Indian citizenship
- discuss the condition for acquisition of Indian citizenship
- examine the conditions which lead to the loss of Indian citizenship.

10.2 INTRODUCTION

The concept of citizenship is one of the most debated issues in the academic discourse. The concept of citizenship indicates the relationship between the individual and the state. Citizenship denotes an individual's status as a responsible member of a state. For attaining all the facilities of citizenship, he or she must fulfil the duties and responsibilities along with obligations towards the state. The framers of the Indian Constitution basically put emphasis upon the concept of citizenship and a number of provisions have been incorporated in the Constitution accordingly. Regarding the

acquisition and termination of Indian citizenship, there are lots of constitutional and legal provisions. In this Unit we shall discuss the meaning of citizenship and the various issues related to Indian citizenship.

10.3 MEANING OF CITIZENSHIP

The notion of citizenship is seen in terms of a legal/formal status. Literally the term 'citizen' symbolises the person or resident of a country with certain privileges. Citizenship, very often focuses on a specific nationality, entitlements and claims, rights and duties for individuals enshrined in the Constitution of a country. It signifies that if the member of a particular political community performs their allotted duties and responsibilities according to the provisions of the Constitution, the state apparatus providesthem all the rights and privileges for enjoyment of a public life. The concept of citizenship originated in the ancient Greece. In ancient Greece citizenship was considered to be a narrow concept. During the time of ancient Greek philosopher Aristotle, citizenship privileges were restricted to a limited section of the society. Aristotle limited the concept of citizenship by including only a few sections of people into the ambit of citizen status. He visualised purely an aristocratic idea of citizenship. However, with the gradual development of modern nation state system, the whole concept of citizenship becomes inclusive in its nature and it includes a larger political community.

In any democratic country citizens are provided a number of rights and privileges and accordingly they must show their allegiance towards the state. The success of democracy also largely depends upon the qualities of the citizens.

10.4 CONSTITUTIONAL AND LEGAL PROVISIONS REGARDING CITIZENSHIP IN INDIAN CONTEXT

Though the Constitution of India has provided a federal structure, yet the very nature of the Indian political system is federal in spirit and unitary in practice. Therefore, in India, each individual is entitled with single citizenship, i.e. Citizenship of India. In order to form a unified polity, the framers of Indian Constitution put emphasisbasically upon single citizenship.

The framers of the Indian Constitution put enough importance upon the question of citizenship basically at the time of framing of the Constitution. Articles 5, 6, 7, 8, 9, 10, 11 of the Indian Constitution mainly deal with the issue of citizenship.

Article 5: Article 5 deals with the issue of citizenship at the time of commencement of the Constitution. Accordingly, the following categories of domiciled persons are offered citizenship on the date of adoption of the Constitution (26 January, 1950) :

a) Persons born within the territory of India [(Art. 5(a)].

b) Person, either of whose parents was born within the territory of India– irrespective of the nationality of his/her parents or the place of birth of such person [Art. 5(b)].

c) Person, who had been ordinarily resident in the territory of India for not less than five years immediately preceding such commencement [Art. 5(c)].

Though Article 5 of the Indian Constitution offers citizenship by domicile, yet it did not define the term domicile. In simple words, domicile represents the permanent residence of a citizen.

Article 6: Right of citizenship of certain persons who have migrated to India from Pakistan.

Article 7: Right of citizenship of certain persons who, after having migrated to Pakistan, have returned to India.

Article 8: Right 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 of India.

Article 10: Continuance of the rights of citizenship.

Article 11: Parliament to regulate the right of citizenship by law.

The Constitution of India did not implement any comprehensive constitutional law and statutory basis of citizenship in India. Regarding the law of citizenship, the responsibility is vested upon the Indian Parliament of India to legislate certain laws related to citizenship. The Indian parliament

enacted the Citizenship Act 1955, the Citizenship (Amendment) Act 1986, the Citizenship (Amendment) Act 1992, the Citizenship (Amendment) Act 2003, the Citizenship (Amendment) Act, 2005 and Citizenship (Amendment) Act,2015 regarding Indian citizenship.



CHECK YOUR PROGRESS

Q.1: State the meaning of citizenship.

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Q.2: Greek philosopher Aristotle limited the concept of citizenship only to a limited section of people. (True/False)

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Q.3: Which articles of the Indian Constitution deal with the issue of citizenship?

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10.5 ACQUISITION OF CITIZENSHIP IN INDIA

According to the Citizenship Act 1955, citizenship can be acquired through various methods. This Act focuses upon the various modes of acquisition of citizenship. These methods of acquisition of citizenship are discussed below:

- *Citizenship by Birth*: Each person born in India on or after January26, 1950 shall be considered the citizen of India by birth. But in case of the children born to foreign diplomats who were posted in India are not eligible for Indian citizenship. In order to prevent the infiltration problem, an amendment was made in 1986 in the Citizenship Act of 1955 and thereby a person born in India is able to become a

citizen of India by birth if his/her parents are citizens of India at the time of his/her birth. In this way, an individual can attain Indian citizenship by birth.

- *Citizenship by Descent*: A person born outside India on or after January 26, 1950 shall be considered the citizen of India by descent if his/her parents are citizens of India at the time of his/her birth.
- *Citizenship by Registration*: Through registration with definite authority, a person can acquire Indian citizenship. Registration for Indian citizenship can be done through different methods. Persons of Indian Origin (PIOs) who generally reside in India for almost five years may apply for registration. A person, in case of citizenship, is deemed to be of Indian origin if his/her parents and grand-parentswere born in undivided India. Ordinarily residing PIOs outside India can also be included under Citizenship by Registration. Those women who get married to Indian citizens too become the citizens of India through the process of registration.
- *Citizenship by Naturalisation*: A person can acquire Indian citizenship by naturalisation. To attain Indian citizenship, he/she must qualify the following conditions–
  a) He must belong to a country where the citizens of India are allowed to become subjects or citizens of that country by naturalisation.
  b) He/she needs to renounce the citizenship of his/herown country according to the prevailing law of that country.
  c) Before the date of giving the application for naturalization, he or she must reside or serve the concerned government authority for 12 months.
  d) The person needs to possess a good and moral character.
  e) He/she must have workable knowledge of a particular Indian language.
  f) After acquiring citizenship by naturalisation, he or she is considered to be the permanent resident of India and is eligible to serve under the Union or State Governments in India.
- *Citizenship by Incorporation of Territory*: If India includes any new

territory within its border, then the people of that territory will automatically become the citizens of India. For example– the people of Sikkim acquired Indian citizenship after the annexation of Sikkim by India in 1976.

10.6 LOSS OF CITIZENSHIP IN INDIA

The Citizenship Act 1955 clearly lays down that under certain conditions a person may lose his/her Indian citizenship. Anyone may lose his or her citizenship under any of the three conditions. These conditionsare: renunciation, termination and deprivation.

- *By Renunciation*: Any Indian citizen may voluntarily renounce his/her citizenship in order to become the citizen of another country. For this purpose, the concerned citizen needs to make a necessary declaration in the prescribed format.
- *By Termination*: If any Indian citizen voluntarily acquires the citizenship of another country, then his/her citizenship in India will be automatically terminated. This kind of termination may take place by operation of law.
- *By Deprivation*: Deprivation is considered to be one kind of compulsory termination of Indian citizenship with the prior approval of Government Order. If any person obtains Indian citizenship by fraud, false representation or concealment of any material fact or if the person becomes disloyal towards the Indian Constitution or if he/she helps or assists a country with whom India is at war, the Government of India by an Order can deprive that person from enjoying Indian citizenship.



CHECK YOUR PROGRESS

Q.4: Mention any three methods of acquisition of Indian citizenship as provided by the Citizenship Act 1955.

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Q.5: The state of Sikkim was incorporated in India in the year ..... (Fill in the blank)

Q.6: Write about any two conditions under which an Indian citizen may lose his/her Indian citizenship.

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Q.7: Write a short note on the acquisition of Indian citizenship by the method of naturalisation.

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10.7 LET US SUM UP

- The concept of citizenship indicates the relationship between the individual and the state. Citizenship denotes all individual's status as a responsible member of a state. For attaining all the facilities of

citizenship, he or she must fulfil the duties and responsibilities along with obligations towards the state.

- The concept of citizenship originated in the ancient Greece. In ancient Greece citizenship was considered to be a narrow concept. Greek philosopher Aristotle limited the concept of citizenship by including only a few sections of people into the ambit of citizen status.
- But in the present time the concept of citizenship has become a inclusive one and it includes a larger political community.
- Though the Constitution of India has provided a federal structure, but the very nature of Indian political system is federal in spirit and unitary in practice. Therefore in India, each individual is entitled to single citizenship, i.e. Citizenship of India.
- The Constitution of India has provided a number of provisions regarding Indian citizenship.But the responsibility to make laws and other statutory provisions related to Indian citizenship is vested upon the Parliament of India. Accordingly the Indian Parliament has enacted a number of laws in this regard, such asthe Citizenship Act 1955, the Citizenship (Amendment) Act 1986, the Citizenship (Amendment) Act 1992, the Citizenship (Amendment) Act 2003, the Citizenship (Amendment) Act, 2005 and Citizenship (Amendment) Act,2015.
- The Citizenship Act 1955 has provided a number of methods of acquisition of Indian citizenship. These methods are-citizenship by birth,citizenship by descent, citizenship by registration, citizenship by naturalisation, citizenship by incorporation of territory.
- The Citizenship Act 1955 also provided that under certain condition a person may lose his/her Indian citizenship. Anyone may loss his or her citizenship under any of the three conditions, such as– renunciation, termination and deprivation.



10.8 FURTHRER READING

1) Chander, Prakash (2008). *Indian Government And Politics*. Gurgaon: Cosmos Bookhive Pvt. Ltd.

2) Ghai, K. K. (2007). *Indian Government And Politics*. New Delhi: Kalyani Publishers.



10.9 ANSWERS TO CHECK YOUR PROGRESS

Ans. to Q. No. 1: By citizenship, very often focuses on a specific nationality, entitlements and claims, rights and duties for individuals enshrined in the Constitution of a country. It signifies that if the member of a particular political community performs their allotted duties and responsibilities according to the provisions of the Constitution, the state apparatus provides them all the rights and privileges for enjoyment of a public life.

Ans. to Q. No. 2: True

Ans. to Q. No. 3: Articles 5, 6, 7, 8, 9, 10, 11 of the Indian Constitution mainly deal with the issue of citizenship.

Ans. to Q. No. 4: Citizenship by birth,Citizenship by descent, Citizenship by registration.

Ans. to Q. No. 5: 1976

Ans. to Q. No. 6: i) By Renunciation: Any Indian citizen may voluntarily renounce his/her citizenship in order to become citizen of another country. For this purpose, the concerned citizen needs to make a necessary declaration in the prescribed format.

ii) By Termination: If any Indian citizen voluntarily acquires the citizenship of another country, then his/her citizenship in India will be automatically terminated. This kind of termination may take place by operation of law.

Ans. to Q. No. 7: A person can acquire Indian citizenship by naturalisation. To attain Indian citizenship, he/she must qualify the following conditions–

a) He must belong to a country where the citizens of India are allowed to become subjects or citizens of that country by naturalisation.
b) He/she needs to renounce the citizenship of his/herown country according to the prevailing law of that country.
c) Before the date of giving the application for naturalization, he or she must reside or serve the concern government authority for 12 months.
d) The person needs to possess a good and moral character.
e) He/she must have workable knowledge of a particular Indian language.
f) After acquiring citizenship by naturalisation, he or she is considered to be the permanent resident of India or elsewhere to serve under the Government of India.



10.10 MODEL QUESTIONS

A) Very Short Questions

Q.1: Mention any one provision of the Indian Constitution regarding citizenship.

Q.2: State the name of one important Act enacted by the Parliament of India which provides the detailed provisions about Indian citizenship.

Q.3: What is the full form of PIO in the context of Indian citizenship?

B) Short Questions (Answer each question in about 150 words)

Q.1: Explain the conditions under which an Indian citizen may lose his/her Indian citizenship.

Q.2: Write a short note on the meaning of citizenship.

C) Long Questions (Answer each question in about 300-500 words)

Q.1: Discuss various provisions of the Indian Constitution regarding citizenship.

Q.2: Examine the various methods of acquisition of Indian citizenship.

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