

Citizenship - Basic of Citizenship

Basic of Citizenship

Citizenship is the status of a person recognized under law as being a legal member of a sovereign state or belonging to a nation. In India, Articles 5 – 8 of the Constitution deals with the concept of citizenship. The term citizenship entails the enjoyment of full membership of any State in which a citizen has civil and political rights.

First, we discuss all the articles in the Indian Constitution pertaining to citizenship.

Article 5: Citizenship at the commencement of the Constitution

This article talks about citizenship for people at the commencement of the Constitution, i.e. 26th January 1950. Under this, citizenship is conferred upon those **persons who have their domicile in Indian territory and –**

1. Who was born in Indian territory; or
2. Whose either parent was born in Indian territory; or
3. Who has ordinarily been a resident of India for not less than 5 years immediately preceding the commencement of the Constitution.

Article 6: Citizenship of certain persons who have migrated from Pakistan

Any person who has migrated from Pakistan shall be a citizen of India at the time of the commencement of the Constitution if –

1.
 1. He or either of his parents or any of his grandparents was born in India as given in the Government of India Act of 1935; and
 2. (a) in case such a person has migrated before July 19th, 1948 and has been ordinarily resident in India since his migration, or

(b) in case such as a person has migrated after July 19th, 1948 and he has been registered as a citizen of India by an officer appointed in that behalf by the government of the Dominion of India on an application made by him thereof to such an officer before the commencement of the Constitution, provided that no person shall be so registered unless he has been resident in India for at least 6 months immediately preceding the date of his application.

Article 7: Citizenship of certain migrants to Pakistan

This article deals with the rights of people who had migrated to Pakistan after March 1, 1947, but subsequently returned to India.

Article 8: Citizenship of certain persons of Indian origin residing outside India

This article deals with the rights of people of Indian origin residing outside India for purposes of employment, marriage, and education.

Citizenship - Termination and acquiring of Citizenship

provision of citizenship.

- The Citizenship Act, 1955 is the legislation dealing with citizenship. This has been amended by the Citizenship (Amendment) Act 1986, the Citizenship (Amendment) Act 1992, the Citizenship (Amendment) Act 2003, and the Citizenship (Amendment) Act, 2005.
- Nationality in India mostly follows the jus sanguinis (citizenship by right of blood) and not jus soli (citizenship by right of birth within the territory).

Article 9

People voluntarily acquiring citizenship of a foreign country will not be citizens of India.

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

The Parliament has the right to make any provision concerning the acquisition and termination of citizenship and any other matter relating to citizenship.

Termination of Indian Citizenship

Termination of citizenship is possible in three ways according to the Act:

1. **Renunciation:** If any citizen of India who is also a national of another country renounces his Indian citizenship through a declaration in the prescribed manner, he ceases to be an Indian citizen. When a male person ceases to be a citizen of India, every minor child of his also ceases to be a citizen of India. However, such a child may within one year after attaining full age become an Indian citizen by making a declaration of his intention to resume Indian citizenship.
2. **Termination:** Indian citizenship can be terminated if a citizen knowingly or voluntarily adopts the citizenship of any foreign country.
3. **Deprivation:** The government of India can deprive a person of his citizenship in some cases. But this is not applicable for all citizens. It is applicable only in the case of citizens who have acquired the citizenship by registration, naturalization, or only by Article 5 Clause (c) (which is citizenship at commencement for a domicile in India and who has ordinarily been a resident of India for not less than 5 years immediately preceding the commencement of the Constitution).

Citizenship - Citizenship Amendment Act 2019

Citizenship Act, 1955

A comprehensive law dealing with citizenship was passed by Parliament in 1955 in accordance with the powers vested in it by Article 11 of the Constitution. The provisions of the Act may be broadly divided into three parts, acquisition of citizenship, termination of citizenship and supplemental provisions. The Act provides five modes of acquiring the citizenship of India. These are:

1. Citizenship by birth
 2. Citizenship by descent
 3. Citizenship by registration
 4. Citizenship by naturalization
 5. By incorporation of territory (by the Government of India)
- People who were domiciled in India as on 26th November 1949 automatically became citizens of India by virtue of citizenship at the commencement of the Constitution.
 - Persons who were born in India on or after 26th January 1950 but before 1st July 1987 are Indian citizens.
 - A person born after 1st July 1987 is an Indian citizen if either of the parents was a citizen of India at the time of birth.
 - Persons born after 3rd December 2004 are Indian citizens if both parents are Indian citizens or if one parent is an Indian citizen and the other is not an illegal migrant at the time of birth.
 - Citizenship by birth is not applicable for children of foreign diplomatic personnel and those of enemy aliens.

DIFFERENCES BETWEEN, BILL AND ACT

BILL

- A 'bill' can be considered as initial stage of an act. Bill is a proposal to make a new law. Usually, bill is in the form of a document that summaries what is the policy behind the proposed law and what is to be the proposed law.
- A Bill can be introduced by government itself or proposed by a member of the Parliament. The Bill is placed in the lower house of the parliament and after discussions once it has been passed, the Bill goes to the Upper house for approval. Once the bill gets passed by the upper House it is sent to the President for his assent.
- Finally a bill becomes a law (Act) of the land once it has been passed by the parliament and also got assent from the President.

ACT

- Once the Bill has been passed by the legislature, it is sent to the President or the Governor, as the case may be for the approval. By receiving his assent, it becomes an Act. An Act is a law which is made by the legislature like Parliament or State Legislative Assembly.

CAA 2019

The Citizenship Amendment Bill (CAA Bill) was first introduced in 2016 in Lok Sabha by amending the Citizenship Act of 1955. This bill was referred to a Joint Parliamentary Committee, whose report was later submitted on January 7, 2019. The Citizenship Amendment Bill was passed on January 8, 2019, by the Lok Sabha which lapsed with the dissolution of the 16th Lok Sabha. This Bill was introduced again on 9 December 2019 by the Minister of Home Affairs Amit Shah in the 17th Lok Sabha and was later passed on 10 December 2019. The Rajya Sabha also passed the bill on 11th December.

The CAA was passed to provide Indian citizenship to the illegal migrants who entered India on or before 31st December 2014. The Act was passed for migrants of six different religions such as Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians from Afghanistan, Bangladesh, and Pakistan. Any individual will be considered eligible for this act if he/she has resided in India during the last 12 months and for 11 of the previous 14 years. For the specified class of illegal migrants, the number of years of residency has been relaxed from 11 years to five years.