



Citizenship

MEANING AND SIGNIFICANCE

Like any other modern state, India has two kinds of people—citizens and aliens. Citizens are full members of the Indian State and owe allegiance to it. They enjoy all civil and political rights. Aliens, on the other hand, are the citizens of some other state and hence, do not enjoy all the civil and political rights. They are of two categories—friendly aliens or enemy aliens. Friendly aliens are the subjects of those countries that have cordial relations with India. Enemy aliens, on the other hand, are the subjects of that country that is at war with India. They enjoy lesser rights than the friendly aliens, eg, they do not enjoy protection against arrest and detention (Article 22).

The Constitution confers the following rights and privileges on the citizens of India (and denies the same to aliens):

1. Right against discrimination on grounds of religion, race, caste, sex or place of birth (Article 15).
2. Right to equality of opportunity in the matter of public employment (Article 16).
3. Right to freedom of speech and expression, assembly, association, movement, residence and profession (Article 19).
4. Cultural and educational rights (Articles 29 and 30).
5. Right to vote in elections to the Lok Sabha and state legislative assembly.
6. Right to contest for the membership of the Parliament and the state

legislature.

7. Eligibility to hold certain public offices, that is, President of India, Vice-President of India, judges of the Supreme Court and the high courts, governor of states, attorney general of India and advocate general of states.

Along with the above rights, the citizens also owe certain duties towards the Indian State, as for example, paying taxes, respecting the national flag and national anthem, defending the country and so on.

In India both a citizen by birth as well as a naturalised citizen are eligible for the office of President while in USA, only a citizen by birth and not a naturalised citizen is eligible for the office of President.

CONSTITUTIONAL PROVISIONS

The Constitution deals with the citizenship from Articles 5 to 11 under Part II. However, it contains neither any permanent nor any elaborate provisions in this regard. It only identifies the persons who became citizens of India at its commencement (i.e., on January 26, 1950). It does not deal with the problem of acquisition or loss of citizenship subsequent to its commencement. It empowers the Parliament to enact a law to provide for such matters and any other matter relating to citizenship. Accordingly, the Parliament has enacted the Citizenship Act, 1955, which has been amended in 1957, 1960, 1985, 1986, 1992, 2003, 2005 and 2015.

According to the Constitution, the following four categories of persons became the citizens of India at its commencement i.e., on 26 January, 1950:

1. A person who had his domicile in India and also fulfilled any one of the three conditions, viz., if he was born in India; or if either of his parents was born in India; or if he has been ordinarily resident in India for five years immediately before the commencement of the Constitution, became a citizen of India (Article 5).
2. A person who migrated to India from Pakistan became an Indian citizen if he or either of his parents or any of his grandparents was born in undivided India and also fulfilled any one of the two conditions viz., in case he migrated to India before July 19, 1948¹, he had been ordinarily resident in India since the date of his migration; or in case he migrated to

India on or after July 19, 1948, he had been registered as a citizen of India. But, a person could be so registered only if he had been resident in India for six months preceding the date of his application for registration (Article 6).

3. A person who migrated to Pakistan from India after March 1, 1947, but later returned to India for resettlement could become an Indian citizen. For this, he had to be resident in India for six months preceding the date of his application for registration² (Article 7).
4. 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 been registered as a citizen of India by the diplomatic or consular representative of India in the country of his residence, whether before or after the commencement of the Constitution. Thus, this provision covers the overseas Indians who may want to acquire Indian citizenship (Article 8).

To sum up, these provisions deal with the citizenship of (a) persons domiciled in India; (b) persons migrated from Pakistan; (c) persons migrated to Pakistan but later returned; and (d) persons of Indian origin residing outside India.

The other constitutional provisions with respect to the citizenship are as follows:

1. No person shall be a citizen of India or be deemed to be a citizen of India, if he has voluntarily acquired the citizenship of any foreign state (Article 9).
2. Every person who is or is deemed to be a citizen of India shall continue to be such citizen, subject to the provisions of any law made by Parliament (Article 10).
3. Parliament shall have the power to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship (Article 11).

CITIZENSHIP ACT, 1955

The Citizenship Act (1955) provides for acquisition and loss of citizenship after the commencement of the Constitution. This Act has been amended so

far eight times by the following Acts:

1. The Citizenship (Amendment) Act, 1957
2. The Repealing and Amending Act, 1960
3. The Citizenship (Amendment) Act, 1985
4. The Citizenship (Amendment) Act, 1986
5. The Citizenship (Amendment) Act, 1992
6. The Citizenship (Amendment) Act, 2003
7. The Citizenship (Amendment) Act, 2005
8. The Citizenship (Amendment) Act, 2015

Originally, the Citizenship Act (1955) also provided for the Commonwealth Citizenship. But, this provision was repealed by the Citizenship (Amendment) Act, 2003.

Acquisition of Citizenship

The Citizenship Act of 1955 prescribes five ways of acquiring citizenship, viz, birth, descent, registration, naturalisation and incorporation of territory:

1. By Birth A person born in India on or after 26th January 1950 but before 1st July 1987 is a citizen of India by birth irrespective of the nationality of his parents.

A person born in India on or after 1st July 1987 is considered as a citizen of India only if either of his parents is a citizen of India at the time of his birth.

Further, those born in India on or after 3rd December 2004 are considered citizens of India only if both of their parents are citizens of India or one of whose parents is a citizen of India and the other is not an illegal migrant at the time of their birth.

The children of foreign diplomats posted in India and enemy aliens cannot acquire Indian citizenship by birth.

2. By Descent 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 at the time of his birth.

A person born outside India on or after 10th December 1992 is considered as a citizen of India if either of his parents is a citizen of India at the time of

his birth.

From 3rd December 2004 onwards, a person born outside India shall not be a citizen of India by descent, unless 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. An application, for registration of the birth of a minor child, to an Indian consulate shall be accompanied by an undertaking in writing from the parents of such minor child that he or she does not hold the passport of another country.

Further, a minor who is a citizen of India by virtue of descent and is also a citizen of any other country shall cease to be a citizen of India if he does not renounce the citizenship or nationality of another country within six months of his attaining full age.

3. By Registration The Central Government may, on an application, register as a citizen of India any person (not being an illegal migrant) if he belongs to any of the following categories, namely:-

- (a) a person of Indian origin who is ordinarily resident in India for seven years before making an application for registration;
- (b) a person of Indian origin who is ordinarily resident in any country or place outside undivided India;
- (c) a person who is married to a citizen of India and is ordinarily resident in India for seven years before making an application for registration;
- (d) minor children of persons who are citizens of India;
- (e) a person of full age and capacity whose parents are registered as citizens of India;
- (f) a person of full age and capacity who, or either of his parents, was earlier citizen of independent India, and is ordinarily resident in India for twelve months immediately before making an application for registration;
- (g) a person of full age and capacity who has been registered as an overseas citizen of India cardholder for five years, and who is ordinarily resident in India for twelve months before making an application for registration.

A person shall be deemed to be of Indian origin if he, or either of his parents, was born in undivided India or in such other territory which became part of India after the 15th August, 1947.

All the above categories of persons must take an oath of allegiance before

they are registered as citizens of India. The form of the oath is as follows:

I, A/B..... do solemnly affirm (or swear) that I will bear true faith and allegiance to the Constitution of India as by law established, and that I will faithfully observe the laws of India and fulfill my duties as a citizen of India.

4. By Naturalisation The Central Government may, on an application, grant a certificate of naturalisation to any person (not being an illegal migrant) if he possesses the following qualifications:

- (a) that he is not a subject or citizen of any country where citizens of India are prevented from becoming subjects or citizens of that country by naturalisation;
- (b) that, if he is a citizen of any country, he undertakes to renounce the citizenship of that country in the event of his application for Indian citizenship being accepted;
- (c) that he has either resided in India or been in the service of a Government in India or partly the one and partly the other, throughout the period of twelve months immediately preceding the date of the application;
- (d) that during the fourteen years immediately preceding the said period of twelve months, he has either resided in India or been in the service of a Government in India, or partly the one and partly the other, for periods amounting in the aggregate to not less than eleven years;
- (e) that he is of good character;
- (f) that he has an adequate knowledge of a language specified in the Eighth Schedule to the Constitution³, and
- (g) that in the event of a certificate of naturalisation being granted to him, he intends to reside in India, or to enter into or continue in, service under a Government in India or under an international organisation of which India is a member or under a society, company or body of persons established in India.

However, the Government of India may waive all or any of the above conditions for naturalisation in the case of a person who has rendered distinguished service to the science, philosophy, art, literature, world peace or human progress. Every naturalised citizen must take an oath of allegiance to the Constitution of India.

5. By Incorporation of Territory 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 citizens of India from the notified date. For example, when Pondicherry became a part of India, the Government of India issued the Citizenship (Pondicherry) Order, 1962, under the Citizenship Act, 1955.

6. Special Provisions as to Citizenship of Persons Covered by the Assam Accord The Citizenship (Amendment) Act, 1985, added the following special provisions as to citizenship of persons covered by the Assam Accord (which related to the foreigners' issue):

- (a) All persons of Indian origin who came to Assam before the 1st January, 1966 from Bangladesh and who have been ordinarily residents in Assam since the date of their entry into Assam shall be deemed to be citizens of India as from the 1st January, 1966.
- (b) Every person of Indian origin who came to Assam on or after the 1st January, 1966 but before the 25th March, 1971 from Bangladesh and who has been ordinarily resident in Assam since the date of his entry into Assam and who has been detected to be a foreigner shall register himself. Such a registered person shall be deemed to be a citizen of India for all purposes as from the date of expiry of a period of ten years from the date of detection as a foreigner. But, in the intervening period of ten years, he shall have the same rights and obligations as a citizen of India, excepting the right to vote.

Loss of Citizenship

The Citizenship Act, 1955, prescribes three ways of losing citizenship whether acquired under the Act or prior to it under the Constitution, viz, renunciation, termination and deprivation:

1. By Renunciation Any citizen of India of full age and capacity can make a declaration renouncing his Indian citizenship. Upon the registration of that declaration, that person ceases to be a citizen of India. However, if such a declaration is made during a war in which India is engaged, its registration shall be withheld by the Central Government.

Further, when a person renounces his Indian citizenship, every minor child of that person also loses Indian citizenship. However, when such a child attains the age of eighteen, he may resume Indian citizenship.

2. By Termination When an Indian citizen voluntarily (consciously, knowingly and without duress, undue influence or compulsion) acquires the citizenship of another country, his Indian citizenship automatically terminates. This provision, however, does not apply during a war in which India is engaged.

3. By Deprivation It is a compulsory termination of Indian citizenship by the Central government, if:

- (a) the citizen has obtained the citizenship by fraud;
- (b) the citizen has shown disloyalty to the Constitution of India;
- (c) the citizen has unlawfully traded or communicated with the enemy during a war;
- (d) the citizen has, within five years after registration or naturalisation, been imprisoned in any country for two years; and
- (e) the citizen has been ordinarily resident out of India for seven years continuously.⁴

SINGLE CITIZENSHIP

Though the Indian Constitution is federal and envisages a dual polity (Centre and states), it provides for only a single citizenship, that is, the Indian citizenship. The citizens in India owe allegiance only to the Union. There is no separate state citizenship. The other federal states like USA and Switzerland, on the other hand, adopted the system of double citizenship.

In USA, each person is not only a citizen of USA but also of the particular state to which he belongs. Thus, he owes allegiance to both and enjoys dual sets of rights—one set conferred by the national government and another by the state government. This system creates the problem of discrimination, that is, a state may discriminate in favour of its citizens in matters like right to vote, right to hold public offices, right to practice professions and so on. This problem is avoided in the system of single citizenship prevalent in India.

In India, all citizens irrespective of the state in which they are born or

reside enjoy the same political and civil rights of citizenship all over the country and no discrimination is made between them. However, this general rule of absence of discrimination is subject to some exceptions, viz,

1. The Parliament (under Article 16) can prescribe residence within a state or union territory as a condition for certain employments or appointments in that state or union territory, or local authority or other authority within that state or union territory. Accordingly, the Parliament enacted the Public Employment (Requirement as to Residence) Act, 1957 and thereby authorised the Government of India to prescribe residential qualification only for appointment to non-Gazetted posts in Andhra Pradesh, Himachal Pradesh, Manipur and Tripura. As this Act expired in 1974, there is no such provision for any state except Andhra Pradesh⁵ and Telangana^{5a}.
2. The Constitution (under Article 15) prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth and not on the ground of residence. This means that the state can provide special benefits or give preference to its residents in matters that do not come within the purview of the rights given by the Constitution to the Indian citizens. For example, a state may offer concession in fees for education to its residents.
3. The freedom of movement and residence (under Article 19) is subjected to the protection of interests of any schedule tribe. In other words, the right of outsiders to enter, reside and settle in tribal areas is restricted. Of course, this is done to protect the distinctive culture, language, customs and manners of schedule tribes and to safeguard their traditional vocation and property against exploitation.
4. In the case of Jammu and Kashmir, the state legislature is empowered to define the persons who are permanent residents of the state and confer any special rights and privileges in matters of employment under the state government, acquisition of immovable property in the state, settlement in the state and scholarships and such other forms of aid provided by the state government.⁶

The Constitution of India, like that of Canada, has introduced the system of single citizenship and provided uniform rights (except in few cases) for the people of India to promote the feeling of fraternity and unity among them and to build an integrated Indian nation. Despite this, India has been witnessing

the communal riots, class conflicts, caste wars, linguistic clashes and ethnic disputes. Thus, the cherished goal of the founding fathers and the Constitution-makers to build an united and integrated Indian nation has not been fully realised.

OVERSEAS CITIZENSHIP OF INDIA

In September 2000, the Government of India (Ministry of External Affairs) had set-up a High Level Committee on the Indian Diaspora under the Chairmanship of L.M. Singhvi. The mandate of the Committee was to make a comprehensive study of the global Indian Diaspora and to recommend measures for a constructive relationship with them.

The committee submitted its report in January 2002. It recommended the amendment of the Citizenship Act, 1955, to provide for grant of dual citizenship to the Persons of Indian Origin (PIOs) belonging to certain specified countries.

Accordingly, the citizenship (Amendment) Act, 2003, made provision for acquisition of Overseas Citizenship of India (OCI) by the PIOs of 16 specified countries other than Pakistan and Bangladesh. It also omitted all provisions recognizing, or relating to the Commonwealth Citizenship from the Principal Act.

Later, the Citizenship (Amendment) Act, 2005, expanded the scope of grant of OCI for PIOs of all countries except Pakistan and Bangladesh as long as their home countries all dual citizenship under their local laws. It must be noted here that the OCI is not actually a dual citizenships as the Indian Constitution forbids dual citizenship or dual nationality (Article 9).

Again, the Citizenship (Amendment) Act, 2015, has modified the provisions pertaining to the OCI in the Principal Act. It has introduced a new scheme called “Overseas Citizen of India Cardholder” by merging the PIO card scheme and the OCI card scheme.

The PIO card scheme was introduced on 19-08-2002 and thereafter the OCI card scheme was introduced w.e.f. 01-12-2005. Both the schemes were running in parallel even though the OCI card scheme had become more popular. This was causing unnecessary confusion in the minds of applicants. Keeping in view some problems being faced by applicants and to provide

enhanced facilities to them, the Government of India decided to formulate one single scheme after merging the PIO and schemes, OCI containing positive attributes of both. Hence, for achieving this objective, the Citizenship (Amendment) Act, 2015, was enacted. The PIO scheme was rescinded w.e.f. 09-01-2015 and it was also notified that all existing PIO cardholders shall be deemed to be OCI cardholders w.e.f. 09-01-2015.⁷

The Citizenship (Amendment) Act, 2015, replaced the nomenclature of “Overseas Citizen of India” with that of “Overseas Citizen of India Cardholder” and made the following provisions in the Principal Act :

I. Registration of Overseas Citizen of India Cardholder

(1) The Central Government may, on an application made in this behalf, register as an Overseas Citizen of India Cardholder—

(a) any person of full age and capacity,—

(i) who is a citizen of another country, but was a citizen of India at the time of, or at any time after the commencement of the Constitution; or

(ii) who is a citizen of another country, but was eligible to become a citizen of India at the time of the commencement of the Constitution; or

(iii) who is a citizen of another country, but belonged to a territory that became part of India after the 15th August, 1947; or

(iv) who is a child or a grandchild or a great grandchild of such a citizen; or

(b) a person, who is a minor child of a person mentioned in clause (a); or

(c) a person, who is a minor child, and whose both parents are citizens of India or one of the parents is a citizen of India; or

(d) spouse of foreign origin of a citizen of India or spouse of foreign origin of an Overseas Citizen of India Cardholder and whose marriage has been registered and subsisted for a continuous period of not less than two years immediately preceding the presentation of the application.

No person, who or either of whose parents or grandparents or great grandparents is or had been a citizen of Pakistan, Bangladesh or such

- other country as the Central Government may, specify, shall be eligible for registration as an Overseas Citizen of India Cardholder.
- (2) The Central Government may specify the date from which the existing persons of Indian Origin Cardholders shall be deemed to be Overseas Citizens of India Cardholders.
 - (3) Notwithstanding anything contained in point (1), the Central Government may, if it is satisfied that special circumstances exist, after recording the circumstances in writing, register a person as an Overseas Citizen of India Cardholder.

II. Conferment of Rights on Overseas Citizen of India Cardholder

- (1) An Overseas Citizen of India Cardholder shall be entitled to such rights, as the Central Government may specify in this behalf.
- (2) An Overseas Citizen of India Cardholder shall not be entitled to the following rights (which are conferred on a citizen of India)—
 - (a) He shall not be entitled to the right to equality of opportunity in matters of public employment.
 - (b) He shall not be eligible for election as President.
 - (c) He shall not be eligible for election as Vice-President.
 - (d) He shall not be eligible for appointment as a Judge of the Supreme Court.
 - (e) He shall not be eligible for appointment as a Judge of the High Court.
 - (f) He shall not be entitled for registration as a voter.
 - (g) He shall not be eligible for being a member of the House of the People or of the Council of States.
 - (h) He shall not be eligible for being a member of the State Legislative Assembly or the States Legislative Council.
 - (i) He shall not be eligible for appointment to public services and posts in connection with affairs of the Union or of any State except for appointment in such services and posts as the Central Government may specify.

III. Renunciation of Overseas Citizen of India Card

- (1) If any Overseas Citizen of India Cardholder makes in prescribed manner a declaration renouncing the Card registering him as an Overseas Citizen of India Cardholder, the declaration shall be registered by the Central Government, and upon such registration, that person shall cease to be an Overseas Citizen of India Cardholder.
- (2) Where a person ceases to be an Overseas Citizen of India Cardholder, the spouse of foreign origin of that person, who has obtained Overseas Citizen of India Card, and every minor child of that person registered as an Overseas Citizen of India Cardholder shall thereupon cease to be an Overseas Citizen of India Cardholder.

IV. Cancellation of Registration as Overseas Citizen of India Cardholder

The Central Government may cancel the registration of a person as an Overseas Citizen of India Cardholder, if it is satisfied that—

- (a) the registration as an Overseas Citizen of India Cardholder was obtained by means of fraud, false representation or the concealment of any material fact; or
- (b) the Overseas Citizen of India Cardholder has shown disaffection towards the Constitution of India; or
- (c) the Overseas Citizen of India Cardholder has, during any war in which India may be engaged, unlawfully traded or communicated with an enemy; or
- (d) the Overseas Citizen of India Cardholder has, within five years after registration, been sentenced to imprisonment for a term of not less than two years; or
- (e) it is necessary so to do in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country, or in the interests of the general public; or
- (f) the marriage of an Overseas Citizen of India Cardholder—
 - (i) has been dissolved by a competent court of law or otherwise; or
 - (ii) has not been dissolved but, during the subsistence of such marriage, he has solemnised marriage with any other person.

Table 6.1 Comparing NRI, PIO and OCI Cardholder⁸

<i>Sl. No.</i>	<i>Elements of Comparison</i>	<i>Non-Resident Indian (NRI)</i>	<i>Person of Indian Origin (PIO)</i>	<i>Overseas Citizen of India (OCI) Cardholder</i>
1.	Who ?	An Indian citizen who is ordinarily residing outside India and holds an Indian Passport	A person who or whose any of ancestors was an Indian national and who is presently holding another country's citizenship / nationality i.e. he/she is holding foreign passport	A person registered as Overseas Citizen of India (OCI) Cardholder under the Citizenship Act, 1955
				Following categories of foreign nationals are eligible for registration as Overseas Citizen of India (OCI) Cardholder:- (1) Who was a citizen of India at the time of,

			<p>or at any time after the commencement of the Constitution i.e. 26.01.1950; or</p> <p>(2) who was eligible to become a citizen of India on 26.01.1950; or</p> <p>(3) who belonged to a territory that became part of India after 15.08.1947; or</p> <p>(4) who is a child or a grandchild or a great grandchild of such a citizen; or</p> <p>(5) who is a minor child of such persons mentioned above; or</p> <p>(6) who is a minor child and whose both parents are citizens of India or one of the parents is a citizen of India; or</p> <p>(7) spouse of foreign origin of a citizen of India or spouse of foreign origin of an Overseas Citizen of India Cardholder registered under the Citizenship Act, 1955 and whose marriage has been registered and subsisted for a</p>
2.	Who is eligible?	—	—

				continuous period of not less than two years immediately preceding the presentation of the application.
3.	How can one get ?	—	—	Eligible persons to apply online.
4.	Where to apply ?	—	—	<p>Till such time the online payment facility is introduced, the following instructions shall be followed:-</p> <p>(i) The print out of the online application form, completed in all respects, along with enclosures, demand draft and photograph in duplicate should be submitted to the Indian Mission/Post having jurisdiction over the country of which the applicant is a citizen or if he/she is not living in the country of his/her citizenship, to the Indian Mission/Post having jurisdiction over the country of which the applicant is ordinarily a resident.</p>

(ii) If the applicant is residing in India, the print out of the online application form, completed in all respects, along with enclosures, demand draft and photographs in duplicate should be submitted to the Foreigners Regional Registration Offices (FRROs) according to their jurisdictional control.

5.	Fees ?	—	—	<p>(a) in case of application submitted in Indian Mission/ Post abroad—US \$ 275 or equivalent in local currency.</p> <p>(b) in case of application submitted in India—Rs.15,000/-</p>
6.	Which nationals are ineligible ?	—	—	<p>No person, who or either of whose parents or grandparents or great grandparents is or had been a citizen of Pakistan, Bangladesh or such other country as the Central Government may</p>

specify, shall be eligible for registration as an Overseas Citizen of India Cardholder.

7.	What benefits one is entitled to ?	All benefits as available to Indian citizens subject to notifications issued by the Government from time to time	No specific benefits	(i) Multiple entry lifelong visa for visiting India for any purpose (However OCI Cardholders will require a special permission to undertake research work in India for which they may submit the application to the Indian Mission/ Post/ FRRO concerned). (ii) Exemption from registration with Foreigners Regional Registration Officer (FRRO) or Foreigners Registration Officer (FRO) for any length of stay in India. (iii) Parity with Non-Resident Indians (NRIs) in respect of all facilities available to them in economic, financial, and educational fields except in matters
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				relating to the acquisition of agricultural or plantation properties.
				<p>(iv) Registered Overseas Citizen of India Cardholder shall be treated at par with Non-Resident Indians in the matter of inter-country adoption of Indian children.</p> <p>(v) Registered Overseas Citizen of India Cardholder shall be treated at par with resident Indian nationals in the matter of tariffs in air fares in domestic sectors in India.</p> <p>(vi) Registered Overseas Citizen of India Cardholder shall be charged the same entry fee as domestic Indian visitors to visit national parks and wildlife sanctuaries in India.</p> <p>(vii) Parity with Non-Resident Indians (NRI) in respect of:-</p> <p>(A) entry fees to be charged for visiting</p>

the national monuments, historical sites and museums in India.

(B) pursuing the following professions in India, in pursuance of the provisions contained in the relevant Acts, namely:-

- (a) doctors, dentists, nurses and pharmacists;
- (b) advocates;
- (c) architects; and
- (d) chartered accountants.

(C) to appear for the All India Pre-Medical Test or such other tests to make them eligible for admission in pursuance of the provisions contained in the relevant Acts.

(viii) State

Governments should ensure that the OCI Cardholder registration booklets of OCI Cardholders are treated as their identification for any services rendered to them. In case proof of

residence is required, Overseas Citizens of India Cardholder may give an affidavit stating that a particular/specific address may be treated as their place of residence in India.

8.	Does he/she require visa for visiting India ?	No	Yes	Can visit India without visa for life long.
9.	Is he/she required to register with the local police authorities in India ?	No	Yes if the period of stay is for more than 180 days	No
10.	What activities can be undertaken in India ?	All Activities	Activity as per the type of visa obtained	All activities except research work for which special permission is required from the Indian Mission/Post/ FRRO concerned.
11.	How can one acquire Indian	He/she is an Indian	As per the Citizenship Act, 1955, he/she has to be ordinarily resident in India for a	As per the Citizenship Act, 1955, a person registered as an OCI cardholder for 5 years and who is ordinarily resident in India for

citizenship?	citizen	period of 7 years before making an application for registration.	twelve months before making an application for registration is eligible for grant of Indian citizenship.
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Table 6.2 *Articles Related to Citizenship at a Glance*

<i>Article No.</i>	<i>Subject Matter</i>
5.	Citizenship at the commencement of the Constitution
6.	Rights of citizenship of certain persons who have migrated to India from Pakistan
7.	Rights of citizenship of certain migrants to Pakistan
8.	Rights of citizenship of certain persons of Indian origin residing outside India
9.	Persons voluntarily acquiring citizenship of a foreign State not to be citizens
10.	Continuance of the rights of citizenship
11.	Parliament to regulate the right of citizenship by law

Table 6.3 *Citizenship Act (1955) at a Glance (As Amended Upto 2015)*

<i>Sections</i>	<i>Subject Matter</i>
1.	Short title
2.	Interpretation
Acquisition of Citizenship	
3.	Citizenship by birth

4.	Citizenship by descent
5.	Citizenship by registration
6.	Citizenship by naturalization
6A.	Special provisions as to citizenship of persons covered by the Assam Accord
7.	Citizenship by incorporation of territory
Overseas Citizenship	
7A.	Registration of Overseas Citizen of India Cardholder
7B.	Conferment of rights on Overseas Citizen of India Cardholder
7C.	Renunciation of Overseas Citizen of India Card
7D.	Cancellation of registration as Overseas Citizen of India Cardholder
Termination of Citizenship	
8.	Renunciation of citizenship
9.	Termination of citizenship
10.	Deprivation of citizenship
Supplemental	
11.	Commonwealth citizenship (Repealed)
12.	Power to confer rights of Indian citizen on citizens of certain countries (Repealed)
13.	Certificate of citizenship in case of doubt
14.	Disposal of application under sections 5, 6 and 7A
14A.	Issue of national identity cards
15.	Revision
15A.	Review

16.	Delegation of powers
17.	Offences
18.	Power to make rules
19.	Repeals (Repealed)

Table 6.4 *Schedules of the Citizenship Act (1955) at a Glance*

Numbers	Subject Matter
First Schedule	List of countries related to the Commonwealth Citizenship (Omitted by the 2003 Amendment)
Second Schedule	Oath of Allegiance
Third Schedule	Qualifications for Naturalisation
Fourth Schedule	List of countries related to the Overseas Citizenship (Omitted by the 2005 Amendment)

NOTES AND REFERENCES

1. On this date, the permit system for such migration was introduced.
2. This provision refers to migration after 1 March, 1947 but before 26 January, 1950. The question of citizenship of persons who migrated after 26 January, 1950, has to be decided under the provisions of the Citizenship Act, 1955.
3. The 8th Schedule of the Constitution recognises presently 22 (originally 14) languages.
4. This will not apply if he is a student abroad, or is in the service of a government in India or an international organisation of which India is a member, or has registered annually at an Indian consulate his intention to retain his Indian citizenship.
5. By virtue of Article 371-D inserted by the 32nd Constitutional Amendment Act, 1973.
- 5a. Article 371D has been extended to the State of Telangana by the Andhra

Pradesh Reorganisation Act, 2014.

6. Article 35-A in the Constitution (Application to Jammu and Kashmir) Order, 1954. This was issued by the President of India under powers conferred on him by Article 370 of the Constitution.
7. Annual Report 2015-16, Ministry of Home Affairs, Government of India, p. 262.
8. This Table is downloaded from the website of Ministry of Home Affairs, Government of India.