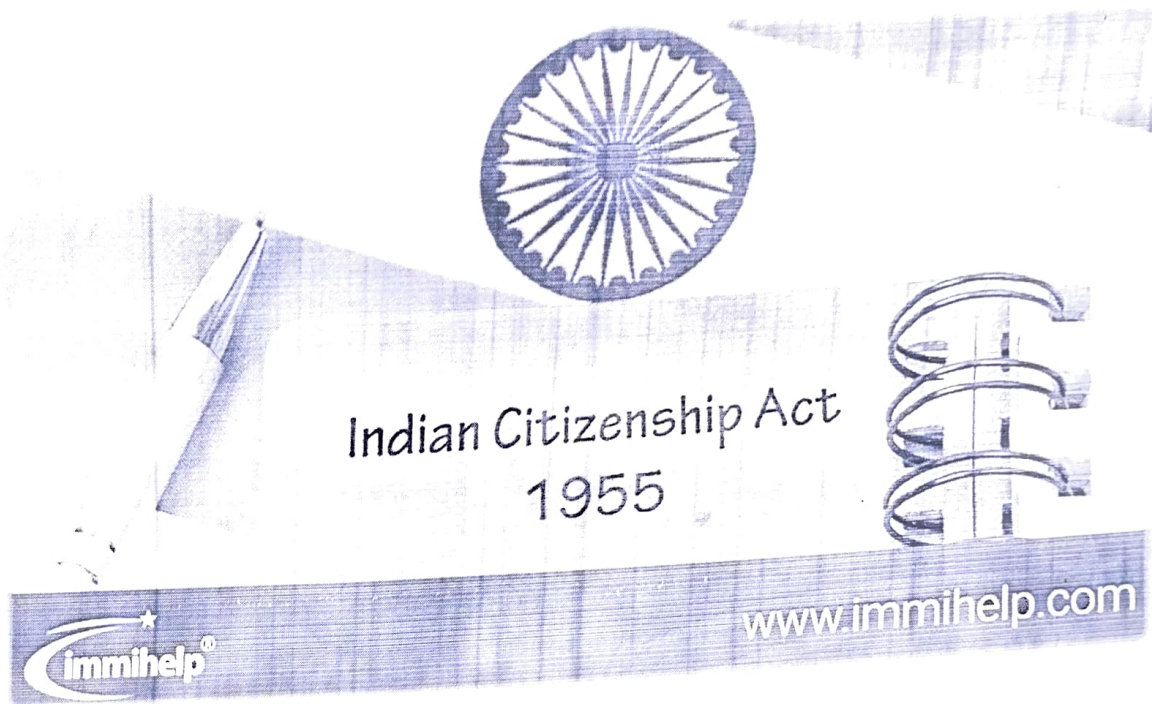


# Indian Citizenship act 1955



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## Introduction

Citizenship can be defined as a relationship between a nation and an individual of that specific nation. It is the quality that must be possessed by an individual to become or be a citizen of a country. Citizenship ensures that a person is committed to a nation's duties and responsibilities. A nation ensures welfare of its citizens by providing required social rights, political rights, civil rights along with the freedom they deserve. The citizenship Act is a type of act that regulates and controls an individual's citizenship rights. In this article, you will learn in detail about the Citizenship Act 1955 and its amendments.

When it comes to Indian citizenship, the Indian state system was a federal state and dual citizenship was not allowed in India, which is said to be due to the history of the provinces. India is a single union country, not a collection of independent states, hence single citizenship is in force in India. The Constituent Assembly of India took two years to decide on citizenship in India. The main reasons for this were the partition of the country and the large number of Indians living abroad. From 1947 to 1949, millions of people were confused about the choice of nationality. Then, those who were in Pakistan, who are now in India, and Muslims who were in India, went to Pakistan and obtained citizenship. Later, citizens of Indian origin living abroad were allowed to obtain Indian citizenship through registration. Finally, in August 1949, the final draft of the citizenship was accepted by the Constituent Assembly with some changes.

Citizenship is a very specific form. This broad term refers to various relationships between an individual and a state that do not necessarily confer political rights but imply other privileges, especially protection abroad. It is a term used in international law to refer to all individuals who are entitled to protection by a state. Nationality also serves to refer to the relationship to the status of entities other than individuals; corporations, ships, and aircraft, for example, have nationality.

The concept of citizenship first arose in the towns and city-states of ancient Greece, where it generally applied to property owners but not to women, slaves, or poor members of the community. In a Greek city-state, a citizen was eligible to vote and was liable for taxes and military service. The Romans first used citizenship as a means of distinguishing the inhabitants of the city of Rome from the territories that Rome had conquered and incorporated. As their empire grew, the Romans granted citizenship to their allies in Italy proper and later to people in other Roman provinces, until in 212 CE citizenship was extended to all free inhabitants of the empire. Roman citizenship conferred important legal privileges within the empire. The concept of national citizenship virtually disappeared in Europe during the Middle Ages, replaced by a system of feudal rights and obligations. In the late Middle Ages and the Renaissance, holding citizenship in various cities and towns in Italy and Germany became a guarantee of immunity from the rights and privileges of feudal lords for merchants and other privileged individuals. Modern concepts of citizenship crystallized in the 18th century during the American and French Revolutions.

### Meaning of the word citizenship :

The Kannada word *citizenship* is equivalent to the English word *citizen*. Both these words are derived from the Latin word *civis*.

- The members of a state are called citizens.
- All persons residing within the territory of a state, except foreigners, are citizens.

1) To understand the importance of citizenship.

2) To understand the methods of acquiring and losing citizenship.

### Citizenship and Constitution :

The constitution provision of India has included some articles related to the citizenship act 1955. This includes Articles 5 to 11 of the Indian Constitution that falls under Part 2 of it.

- Citizenship is the focus of Article 5 at the outset of the Constitution.
- Article 6 pertains to the citizenship rights of certain individuals who have migrated to India from Pakistan.
- Article 7 deals with the citizenship rights of certain Pakistani migrants.
- Article 8 describes in full the citizenship rights of certain persons of Indian heritage who live outside of India.
- Article 9 discloses that a person who willingly acquires citizenship of a foreign country is not a citizen of that country.
- Article 10 deals with the continuation of citizenship rights.
- Article 11 outlines how Parliament might govern the right to citizenship through legislation.

### Citizenship Act 1955 :

Citizenship act is an act that is run by the legislation to ensure the rights and duties of a citizen. The citizenship act 1955 is also popularly known as Indian nationality law. This ensures that the individuals of the nation hold the position as Indian citizens. The Constitution of India along with the Indian Citizenship Act 1955 governs the citizenship status of a person. This act was enacted by the Parliament of India and commenced on 30 December 1955.

### Citizenship procurement:

According to the Indian Citizenship Act 1955, one can acquire the status of an Indian citizen by the following way:

**1. By Birth:** A child born in India on or after 26 January 1950 up to 1 July 1987 was eligible to acquire Indian citizenship by birth irrespective of the nationality of his parents. After the amendment, a child born in India on or after 1 July 1987 was granted Indian citizenship by birth only if one of the parents acquired Indian citizenship. Henceforth, a child born in India after 3 December 2004 is granted Indian citizenship only if both parents are Indian citizens or one is an Indian



citizen and the other is not considered an illegal immigrant. It is important to note that children born to foreign embassies stationed in India or to foreign nationals of enemy countries do not acquire Indian citizenship by birth.

**2. By Descent [By Descent]:** A child born abroad on or after 26 January 1950 before 10 December 1992 can acquire citizenship of India by blood because his father is a citizen of India. Further a child born abroad on or after 10 December 1992 to his parents if one i.e. father or mother is a citizen of India, citizenship of India can be acquired on the basis of blood relationship. A child born abroad on the basis of blood relationship after 3 December 2004 is not allowed to acquire Indian citizenship on the basis of the citizenship of the parents. Instead, citizenship is granted with the permission of the central government only if the parents register the child at the Indian consulate in the country of birth within one year of the child's birth.

**3. By Registration:** A person can acquire citizenship of India by registering with the appropriate authority designated by the Central Government. Any of the categories of persons specified below can obtain citizenship through the process of registration, except for illegal immigrants.

- That. Persons who have temporarily resided in India for five years prior to applying for registration.
- A foreigner married to a citizen of India. The significant point is that they are also eligible for registration only after five years of coming to India after marriage.
- Minor children of Indian citizens.
- Persons holding citizenship of Commonwealth countries.
- Persons of Indian origin residing abroad or in a place outside undivided India

**4. By Naturalisation:** Foreigners who are not allowed to get Indian citizenship through the above methods can get Indian citizenship through naturalisation. A person who is not an illegal immigrant needs to have the following qualifications to acquire citizenship of India through the natural process. Namely

- Should not belong to a country that denies naturalized citizenship to Indians.
- Must have renounced the citizenship of his country of origin.
- Virtue must be incorporated.
- Any of the 22 languages listed in the Eighth Schedule of the Constitution of India. Must be able to use one.
- Must have made substantial contribution to literature, science, world peace or human welfare.

**5. By Incorporation of Territory:** When a territory under the control of a foreign country is incorporated with India, its people become eligible for Indian citizenship. The government can grant citizenship to all the people of the acquired land by a single notification. Eg: Pondicherry, Goa, Sikkim merged with India after independence and were taken over by the Government of India. Thus, the central government issued a notification and granted citizenship to all the people of that land.

Indian citizenship can be acquired through the above five methods and citizenship can be lost through the following three methods.

#### Citizenship Termination:

According to the Indian Citizenship Act 1955, one can be revoked from the status of the Indian citizen under the following conditions. They are:

**1. By Renunciation:** A citizen of India may renounce his citizenship for any other reason by making a prescribed declaration before the concerned authority. Thus the minor children of a person who has renounced his Indian citizenship will also lose Indian citizenship. But those children can get Indian citizenship back if they want within one year of attaining the age of majority.

**2. By Termination:** If an Indian citizen voluntarily and knowingly acquires a foreign citizenship, his Indian citizenship is immediately terminated. It is important to note that this rule did not apply when India was engaged in war.

**3. By Deprivation:** The Central Government can forcibly deprive a citizen of India of citizenship for various reasons. Any of the following behaviors can be grounds for the government to revoke a citizen's citizenship.

- A citizen has obtained citizenship by fraud, deceit or fraud If proven
- If a citizen has disobeyed the Constitution of India
- If he is proved to have engaged in illegal contact or business with the enemy nation during the war.
- If a citizen has been sentenced to two years imprisonment within five years of acquiring citizenship by registered or naturalized method.

Citizenship in post-independence India is governed by the Citizenship Act 1955, which has been discussed briefly above. The regulations of the original Act have been changing with amendments to remove the defects of citizenship as per the need of the time. While the Citizenship Amendment Act of 2003 allowed dual citizenship with 16 countries, the Citizenship Amendment Act of 2015 sought to eliminate discrimination between Indian origin and non-resident Indians. The Citizenship Amendment Act, 2019 has proposed to grant Indian citizenship to Hindus, Christians, Sikhs, Buddhists, Persians who have immigrated illegally from Pakistan, Bangladesh and Afghanistan without documents by 30 December 2014 due to recent religious persecution. Notably, the Citizenship Amendment Act of 2019 faced huge protests as it excluded Muslims from this citizenship

#### Important amendments to the Citizenship Act :

The answer to the question Citizenship Act 1955 amended how many times is 5. The act has been amended five times until now. They are:

1. 1986: This gave Indian citizenship to people born in India between January 1950 and July 1987.
2. 2003: It states that citizenship will be provided to an individual only if both or any one of the parents is Indian.
3. 2005: Section 7A was replaced with a new section and the Overseas citizens of India registration rules were authorised.
4. 2015: It deals with registration and naturalisation citizenship and overseas citizenship.
5. 2019: Members of six communities from Pakistan, Bangladesh, and Afghanistan, including Hindus, Buddhists, Sikhs, Parsis, Jains and Christians, are allowed to stay in India if they arrived before December 14, 2014.

#### Conclusion:

The citizenship act 1955 is an important act as it provides the identity of an individual belonging to a particular place or nation. It helps to provide the individual with the basic rights they need. The citizenship act 1955 is very important as it provides the fundamental rights of the Indian nation to its individuals. The regular amendment of the law and the proper regulation of the act has made the citizenship act 1955 unique and sustainably run the nation despite several social issues.

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