Q 1) What is citizenship ?

Ans: Citizenship is the status of a person recognized under the custom or law as being a legal member of a sovereign state or part of a nation.In contemporary period, the concept of full citizenship encompasses not only active political rights, but also full civil and social rights. In India, Articles 5 – 11 under Part II of the Constitution deals with the concept of citizenship.

Q 2) What are the constitutional provisions for becoming citizens of India at the commencement of the Indian Constitution(26th January,1950)?

Ans : According to the Constitution, the following four categories of persons became the citizens of India at the commencement of the Indian Constitution:

1. Citizenship by Domicile : Article 5 talks about citizenship for people at the commencement of the Constitution, i.e. 26th January 1950 and also based on the fulfilment of any of the three conditions:
2. If he was born in India;

or (b) if either of his parents was born in India; or

(c) if he has been ordinarily resident in India for five years immediately before the commencement of the Constitution, shall be a citizen of India.

1. Citizenship of persons who migrated from Pakistan:

Article 6 states that any person who has migrated from Pakistan shall be a citizen of India at the time of the commencement of the Constitution on the following conditions:

(a) If he or either of his parents or any of his grand-parents was born in undivided India and also fulfilled any one of the two conditions viz.,

i) in case he migrated to India before 19th July, 1948, he had been ordinarily resident in India since the date of his migration, or

(ii) in case he migrated to India on or after 19th July, 1948, he had been registered as a citizen of India ,

But, a person could be registered only if he had been resident in India for six months preceding the date of his application for registration.

1. Rights of citizenship of certain migrants to Pakistan:

Article 7 deals with the rights of people who had migrated to Pakistan after March 1, 1947, but subsequently 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 registration.

1. Rights of Citizenship of persons of Indian origin residing outside India:

Article 8 deals with the rights of people of Indian origin residing outside **India**.A person who,or any of whose parents or grand-parents 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 Consitution.

Thus , this provision covers the overseas Indians who may want to acquire Indian citizenship.

OTHER CONSTITUTIONAL PROVISIONS OF INDIAN CITIZENSHIP:

5) Article 9 says that if any person voluntarily acquires the citizenship of a foreign country will not be citizens of India.

6) Continuance of the rights of citizenship: According to Article 10 , Any person who is considered a citizen of India under any of the provisions of this Part shall continue to be citizens and will also be subject to any law made by the Parliament.

7) Article 11 states that the Parliament has the right 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.