CITIZENSHIP AMENDMENT ACT OF 1955

First Citizenship Act passed by the Indian Parliament after the Constitution was formed.

This Act provided for Commonwealth Citizenship(Commonwealth is a group of countries which were colonies of Britain. Example of Commonwealth countries are Pakistan, Bangladesh, West Indies, South Africa etc.)

It was repealed by the Citizenship Amendment Act, 2003 . Commonwealth citizenship only till 2003.

Q ) Explain the ways of acquiring and losing Indian Citizenship.(10)

Ans: The Citizenship Amendment Act 1955 provides the acquisition and loss of citizenship after the commencement of the constitution(26th January,1950).

The citizenship of India can be acquired by five ways:

1. By Birth
2. By Descent
3. By Registration
4. By Naturalisation
5. By Incorporation of territory

Special provisions of Persons Covered by Assam Accord.

Methods or ways of acquisition of citizenship in India:

1. **By Birth**

**Every person born in India(divided India) on or after 26th January 1950 but before 1st July 1987** is an Indian citizen irrespective of the nationality of his / her parents.

**Citizenship Amendment Act 1986**

Every person born in **India between 1st July 1987 and 2nd December 2004 is a citizen of India given either of his/her parents is a citizen of the country at the time of his/her birth.**

**Citizenship Amendment Act 2005**

**Every person born in India on or after 3rd December,2004 is a citizen of the country given both his/her parents are Indians or at least one parent is a citizen and the other is not an illegal migrant at the time of birth.**

Exceptions

Citizen of foreign diplomats posted in India and children of Enemy aliens cannot acquire citizenship by birth.

1. **By Descent (lineage)**

**A person born outside India on or after 26th January 1950 before 10th December,1992 is a citizen of India by descent of his/her father was a citizen of India by birth.**

**If a person born outside India on or after 3rd December,2004 has to acquire citizenship,his/her parents have to declare that the minor does not hold a passport of another country and his/ her birth is registered at an Indian consulate within one year of birth.**

1. **By Registration**

A person of Indian origin who has been a resident of India for 7 years before applying for registration.

A person of Indian origin who is a resident of any country outside undivided India.

A person who is married to an Indian citizen and is ordinarily resident for 7 years before applying for registration.

Minor children of persons who are citizens of India.

A person of full age and capacity who has registered as an overseas citizen of India Cardholder for 5 years, and been an ordinary resident in India for 12 months before filing application under registration.

(OCI card holder.Overseas Citizen of India .Embassy will issue Card)

1. **By Naturalisation**

**Qualification:**

1. **That he is not a subject or citizens of any country where citizens of India are prevented from becoming subjects or citizens of that country by naturalization.**
2. **If he is a citizen of India of any country ,he undertakes to renounce the citizenship of that country in the event of the application for Indian citizenship being accepted.**
3. A person can acquire citizenship by naturalization if he/she is ordinarily resident of India for 12 years (throughout 12 months preceding the date of application and 11 years in the aggregate)
4. Fulfills all qualifications in the Third schedule of the Citizenship Act.
5. Adequate knowledge of at least one language specified in Eight Schedule.
6. He must be a person of good character.

Naturalisation route is applied to nations only where Indians can get their citizenship through naturalization.

Once they acquire Indian Citizenship they have to forego their Old Citizenship as India follows the concept of Single Citizenship.

Government can waive off these conditions in case of person who has rendered distinguished service to Science, Philosophy, Art, Literature, World peace or human progress.

Foreign Nationals of Indian origin can acquire citizenship by registration and not by naturalization.

1. **By Incorporation of Territory/Acquisition**

If any foreign territory becomes part of India, Government of India specifies the persons who among the people of territory shall be citizens of India. They become citizens from the date notified.

To make citizens of Pondicherry as citizens of India. This is specified in the Government of India under Citizenship Act 1955 issued Citizenship (Pondicherry) Order,1962.

**Special provisions of Persons Covered by Assam Accord**

The Citizenship Amendment Act, 1985, added the special provisions as to citizenship of persons covered by the Assam Accord.

1. All persons of Indian origin who came to Assam before

1st January,1966 from Bangladesh ,citizenship is granted before this date and ordinarily resided in Assam since the date of their entry into Assam shall be deemed to be citizens of India.

1. Every person of Indian origin who came to Assam before 25th March,1971 from Bangladesh on or after this date=

* Ordinarily resided in Assam
* Detected as foreigners shall register himself
* Registered by Indian authority(time period 10 years),registered for 10 years as deemed to be citizen but cannot enjoy right to vote but can enjoy all other rights.

**Loss of Indian Citizenship**

The Citizenship Amendment Act (1955) prescribes three ways of losing citizenship and they are as follows:

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. But if such a declaration is made during a war in which India is engaged, its registration shall be withheld by the Central Government.

But if a person who renounces Indian citizenship, his minor child will also lose Indian citizenship . However, when such a child attains the age of 18, he may resume Indian citizenship.

1. **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 is automatically terminated. But this provision,does not apply during a war in which India is engaged.
2. **By Deprivation**: It is a compulsory termination of Indian citizenship by the Central Government,if:
3. the citizen has obtained the citizenship by fraud;
4. the citizen has shown disloyalty to the Constitution of India;
5. the citizen has unlawfully traded or communicated with the enemy during a war;
6. the citizen has, within 5 years after registration or naturalization, been imprisoned in any country for two years; and
7. the citizen has been ordinarily resident out of India for 7 years continuously.