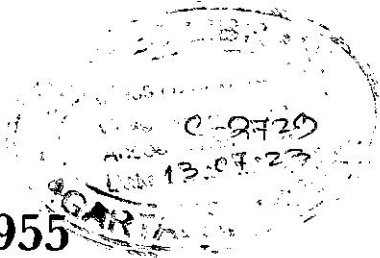


The Citizenship Act, 1955



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The Citizenship Act, 1955¹

[Act 57 of 1955]

[30th December, 1955]

*An Act to provide for the acquisition and determination
of Indian citizenship*

Be it enacted by Parliament in the Sixth Year of the Republic of India as follows:—

Statement of Objects and Reasons Amending Act 65 of 1957.—Section 2(1)(c) of the Citizenship Act, 1955, empowers the Central Government to declare, by notification in the Official Gazette, the citizenship or nationality law in relation to any country specified in the First Schedule at the request of the Government of that country. Where such a declaration is made, persons of full age and capacity who are the citizens of that particular country may, subject to such conditions and restrictions as may be prescribed in this behalf, be registered as citizens of India under the provisions of Section 5(1)(e) of the Citizenship Act. Since the enactment of the Citizenship Act in 1955, Ghana, the Federation of Malaya and Singapore have become Commonwealth countries. In order to enable the Government of India to notify, on a reciprocal basis, the citizenship or nationality law of these countries as and when it becomes necessary, it is proposed to amend the Act to include these countries also in the First Schedule.

Statement of Objects and Reasons Amending Act 65 of 1985.—The core of the Memorandum of Settlement (Assam Accord) relates to the foreigners' issue, since the agitation launched by the A.A.S.U. arose out of their apprehensions regarding the continuing influx of foreign nationals into Assam and the fear about adverse effects upon the political, social, cultural and economic life of the State.

2. Assam Accord being a political settlement, legislation is required to give effect to the relevant clauses of the Assam Accord relating to the foreigners' issue.

3. It is intended that all persons of Indian origin who came to Assam before the 1st January, 1966 (including such of those whose names were included in the electoral rolls used for the purpose of General Election to the House of the People held in 1967) and who have been ordinarily resident in Assam ever since shall be deemed to be citizens of India as from the 1st day of January, 1966. Further, every person of Indian origin who came on or after the 1st January, 1966, but before the 25th March, 1971 from territories presently included in Bangladesh and who has been ordinarily resident in Assam ever since and who has been detected in accordance with the provisions of the Foreigners Act, 1946 and the Foreigners (Tribunals) Orders, 1964 shall, upon registration, be deemed to be a citizen for all purposes as from the date of expiry of a period of ten years from the date of detection as a foreigner. It is also intended that in the intervening period of 10 years, these persons should not suffer from any other disability vis-a-vis citizens, excepting the right to vote and that proper record should be maintained of such persons. To inspire confidence, judicial element should be associated to determine eligibility in each and every case under this category.

4. The Bill seeks to amend the Citizenship Act, 1955, to achieve the above objectives.

Statement of Objects and Reasons Amending Act 51 of 1986.—A large number of persons of Indian origin have entered the territory of India from Bangladesh, Sri Lanka and some African

1. Received the assent of the President on December 30, 1955 and published in the Gazette of India, Extra., Part II, S. 1, dated 30th December, 1955.

countries and they are residing in India. Government has taken a serious view of the entry of persons clandestinely into India and with a view to making the provisions of the Citizenship Act-relating to the grant of Indian citizenship more stringent it is proposed inter alia to make the following changes in the Citizenship Act, 1955, namely—

- (i) under the existing provisions every person born in India on or after the 26th day of January, 1950, shall be a citizen of India by birth. With a view to preventing automatic acquisition of citizenship of India by birth, it is proposed to amend the Act to provide that every person born in India after the commencement of the amending Act will become a citizen of India by birth only if at the time of his birth either of his parents is a citizen of India;
- (ii) under the Act, certain categories of persons may apply for citizenship by registration. One such category is of those persons of Indian origin who are ordinarily residents in India and have been so residents for six months immediately before making an application for registration. Another category is of women who are, or have been, married to citizens of India. These provisions are proposed to be made more stringent by providing that a person would be eligible for citizenship by registration only if he is ordinarily resident in India and have been so resident for five years immediately before making an application for registration. It is also proposed to change the word "women" by "person" in the latter category so that the eligibility of citizenship through marriage to citizens of India now admissible to women only is extended to men also;
- (iii) under the Act, a person who is not a citizen of a commonwealth country referred to in the First Schedule to the Act may apply for the grant of a certificate of naturalisation if he has resided in India for the period of at least five years. It is proposed to increase this period to ten years.

2. The Bill seeks to achieve the aforesaid objects.

Statement of Objects and Reasons Amending Act 39 of 1992.—India is a signatory to the Convention on Elimination of all forms of Discrimination against women adopted by the General Assembly of the United Nations on 18th December, 1979. Article 9(2) of the Convention requires that the "States Parties shall grant women equal rights with men with respect to the nationality of their children". Sub-section (1) of Section 4 of the Citizenship Act, 1955, provides that a person born outside India on or after 26th January, 1950, shall be a citizen of India by descent only if his father is an Indian citizen at the time of his birth. With a view to eliminate discrimination against women in respect of nationality of their children and in order to bring the provisions of the Citizenship Act, 1955, in conformity with Article 9(2) of the aforesaid Convention, it is proposed to amend the said Act so as to provide that every person born outside India on or after the coming into force of the provisions of the Bill shall become a citizen of India by descent if either of his parents is a citizen of India.

2. The Bill seeks to achieve the aforesaid object.

Statement of Objects and Reasons Amending Act 6 of 2004.—The Citizenship Act, 1955, which provides for the acquisition of citizenship, after the commencement of the Constitution by birth, descent, registration, naturalisation and incorporation of territory under certain circumstances, and also provides for the termination and deprivation of citizenship, was among those 109 Central Acts identified for a review by the Commission on Review of Administrative Laws constituted by the Central Government under the Chairmanship of Shri P. C. Jain in 1998. Subsequently, the High Level Committee on Indian Diaspora constituted by the Central Government, inter alia, recommended the amendment of this Act to provide for the grant of dual citizenship to persons of Indian origin belonging to certain specified countries. The Central Government has accordingly decided to make provisions for the grant of dual citizenship and has taken the opportunity of introducing a scheme for the compulsory registration of every citizen of India, and for this purpose to issue national identity cards.

2. The above objects are proposed to be achieved, inter alia by amending provisions of the Citizenship Act so as to—

- (i) make acquisition of Indian citizenship by registration and naturalisation more stringent;
- (ii) prevent illegal migrants from becoming eligible for Indian citizenship;
- (iii) simplify the procedure to facilitate the reacquisition of Indian citizenship by persons of full age who are children of Indian citizens, and former citizens of independent India;
- (iv) provide for the grant of overseas citizenship of India to persons of Indian origin belonging to specified countries, and Indian citizens who choose to acquire the citizenship of any of these countries at a later date;
- (v) provide for the compulsory registration and issue of a national identity card to all citizens of India;
- (vi) enhance the penalty for violation of its provisions, as well as the rules framed under it; and
- (vii) to omit all provisions recognising, or relating to the commonwealth citizenship from the Act.

3. The Bill seeks to achieve the above objects.

1. Short title.—This Act may be called the Citizenship Act, 1955.

2. Interpretation.—(1) In this Act, unless the context otherwise requires,—

- (a) “a Government in India” means the Central Government or a State Government;
- ²[(b) “Illegal migrant” means a foreigner who has entered into India—
 - (i) without a valid passport or other travel documents and such other document or authority as may be prescribed by or under any law in that behalf; or
 - (ii) with a valid passport or other travel documents and such other document or authority as may be prescribed by or under any law in that behalf but remains therein beyond the permitted period of time;]
- ³[Provided that any person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan, who entered into India on or before the 31st day of December, 2014 and who has been exempted by the Central Government by or under clause (c) of sub-section (2) of Section 3 of the Passport (Entry into India) Act, 1920 (34 of 1920) or from the application of the provisions of the Foreigners Act, 1946 (31 of 1946) or any rule or order made thereunder, shall not be treated as illegal migrant for the purposes of this Act;]
- (c) ⁴[* * *]
- (d) “Indian consulate” means the office of any consular officer of the Government of India where a register of births is kept, or where there is no such office, such office as may be prescribed;
- (e) “minor” means a person who has not attained the age of eighteen years;

2. Sub. by Act 6 of 2004, S. 2(i) (w.e.f. 3-12-2004).

3. Ins. by Act 47 of 2019, S. 2 (w.e.f. 10-1-2020).

4. Omitted by Act 6 of 2004, S. 2(i) (w.e.f. 3-12-2004).



- ⁵[(*ee*) "Overseas Citizen of India Cardholder" means a person registered as an Overseas Citizen of India Cardholder by the Central Government under Section 7-A;]
- (*f*) "person" does not include any company or association or body of individuals, whether incorporated or not;

CASE LAW ▶ Citizen, who is.—All citizens are nationals of a particular State but all nationals may not be citizens of the State. In other words, citizens are those persons who have full political rights as distinguished from nationals who may not enjoy full political rights and are still domiciled in that country, *State Trading Corporation of India Ltd. v. Commercial Tax Officer*, (1964) 4 SCR 99 : AIR 1963 SC 1811.

- (*g*) "prescribed" means prescribed by rules made under this Act;
- (*gg*) ⁶[* * *]
- (*h*) "undivided India" means India as defined in the Government of India Act, 1935, as originally enacted.

(2) For the purposes of this Act, a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the Government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(3) Any reference in this Act to the status or description of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the status or description of the father at the time of the father's death; and where that death occurred before, and the birth occurs after the commencement of this Act, the status or description which would have been applicable to the father had he died after the commencement of this Act shall be deemed to be the status or description applicable to him at the time of his death.

(4) For the purposes of this Act, a person shall be deemed to be of full age if he is not a minor and of full capacity if he is not of unsound mind.

Acquisition of Citizenship

⁷**3. Citizenship by birth.**—(1) Except as provided in sub-section (2), every person born in India—

- (*a*) on or after the 26th day of January, 1950, but before the 1st day of July, 1987;

5. *Subs.* by Act 1 of 2015, S. 2 (w.e.f. 6-01-2015). Earlier, as inserted by Act 6 of 2004, S. 2(*ii*) (w.e.f. 3-12-2004), it read as:

'(*ee*) "overseas citizen of India" means a person registered as an overseas citizen of India by the Central Government under Section 7-A;'

6. *Omitted* by Act 32 of 2005, S. 2(*ii*) (w.e.f. 28-06-2005). Earlier, as inserted by Act 6 of 2004, S. 2(*iii*) (w.e.f. 3-12-2004) it read as:

'(*gg*) "specified country" means a country specified in the Fourth Schedule:

Provided that the Central Government may, by notification in the Official Gazette, amend the said Schedule by way of addition or omission of any entry therein:

Provided further that every notification issued under this clause shall, as soon as may be, after it is made, be laid before each House of Parliament;'

7. *Sub.* by Act 6 of 2004, S. 3 (w.e.f. 3-12-2004).

- (b) on or after the 1st day of July, 1987, but before the commencement of the Citizenship (Amendment) Act, 2003 and either of whose parents is a citizen of India at the time of his birth;
- (c) on or after the commencement of the Citizenship (Amendment) Act, 2003, where—
 - (i) both of his parents are citizens of India; or
 - (ii) one of whose parents is a citizen of India and the other is not an illegal migrant at the time of his birth,

shall be a citizen of India by birth.

(2) A person shall not be a citizen of India by virtue of this section if at the time of his birth—

- (a) either his father or mother possesses such immunity from suits and legal process as is accorded to an envoy of a foreign sovereign power accredited to the President of India and he or she, as the case may be, is not a citizen of India; or
- (b) his father or mother is an enemy alien and the birth occurs in a place then under occupation by the enemy.]

4. Citizenship by descent.—⁸[(1) A person born outside India shall be a citizen of India by descent,—

- (a) on or after the 26th day of January, 1950, but before the 10th day of December, 1992, if his father is a citizen of India at the time of his birth; or
- (b) on or after the 10th day of December, 1992, if either of his parents is a citizen of India at the time of his birth:

Provided that if the father of a person referred to in clause (a) was a citizen of India by descent only, that person shall not be a citizen of India by virtue of this section unless—

- (a) his birth is registered at an Indian consulate within one year of its occurrence or the commencement of this Act, whichever is later, or, with the permission of the Central Government, after the expiry of the said period; or
- (b) his father is, at the time of his birth, in service under a Government in India:

Provided further that if either of the parents of a person referred to in clause (b) was a citizen of India by descent only, that person shall not be a citizen of India by virtue of this section, unless—

- (a) his birth is registered at an Indian consulate within one year of its occurrence or on or after the 10th day of December, 1992, whichever is later, or, with the permission of the Central Government, after the expiry of the said period; or

- (b) either of his parents is, at the time of his birth, in service under a Government in India:

Provided also that on or after the commencement of the Citizenship (Amendment) Act, 2003, a person shall not be a citizen of India by virtue of this section, unless his birth is registered at an Indian consulate in such form and in such manner, as may be prescribed,—

- (i) within one year of its occurrence or the commencement of the Citizenship (Amendment) Act, 2003, whichever is later; or
(ii) with the permission of the Central Government, after the expiry of the said period:

Provided also that no such birth shall be registered unless the parents of such person declare, in such form and in such manner as may be prescribed, that the minor does not hold the passport of another country.

(1-A) A minor who is a citizen of India by virtue of this section 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 attaining full age.]

(2) If the Central Government so directs, a birth shall be deemed for the purposes of this section to have been registered with its permission, notwithstanding that its permission was not obtained before the registration.

(3) For the purposes of the proviso to sub-section (1), ⁹[any person] born outside undivided India who was, or was deemed to be, a citizen of India at the commencement of the Constitution shall be deemed to be a citizen of India by descent only.

5. Citizenship by registration.—¹⁰[(1) Subject to the provisions of this section and such other conditions and restrictions as may be prescribed, the Central Government may, on an application made in this behalf, register as a citizen of India any person not being an illegal migrant who is not already such citizen by virtue of the Constitution or of any other provision of this Act 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 under clause (a) of this sub-section for sub-section (1) of Section 6;

9. Subs. for "any male person" by Act 39 of 1992, S. 2(b).

10. Subs. by Act 6 of 2004, S. 5(a).

- (f) a person of full age and capacity who, or either of his parents, was earlier citizen of independent India, and ¹¹[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 ¹²[Overseas Citizen of India Cardholder] for five years, and who ¹³[is ordinarily resident in India for twelve months] before making an application for registration.

Explanation 1.—For the purposes of clauses (a) and (c), an applicant shall be deemed to be ordinarily resident in India if—

- (i) he has resided in India throughout the period of twelve months immediately before making an application for registration; and
- (ii) he has resided in India during the eight years immediately preceding the said period of twelve months for a period of not less than six years.

Explanation 2.—For the purposes of this sub-section, 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 day of August, 1947.]

¹⁴[(1-A) The Central Government, if it is satisfied that special circumstances exist, may after recording the circumstances in writing, relax the period of twelve months, specified in clauses (f) and (g) and clause (i) of Explanation 1 of sub-section (1), up to a maximum of thirty days which may be in different breaks.]

(2) No person being of full age shall be registered as a citizen of India under sub-section (1) until he has taken the oath of allegiance in the form specified in the Second Schedule.

(3) No person who has renounced, or has been deprived of, his Indian citizenship or whose Indian citizenship has terminated, under this Act shall be registered as a citizen of India under sub-section (1) except by order of the Central Government.

(4) The Central Government may, if satisfied that there are special circumstances justifying such registration, cause any minor to be registered as a citizen of India.

(5) A person registered under this section shall be a citizen of India by registration as from the date on which he is so registered; and a person registered under the provisions of clause (b)(ii) of Article 6 or Article 8 of the Constitution shall be deemed to be a citizen of India by registration as from the commencement of the Constitution or the date on which he was so registered, whichever may be later.

11. *Subs.* for “has been residing in India for one year” by Act 1 of 2015, S. 3(i)(a) (w.e.f. 6-1-2015).

12. *Subs.* for “overseas citizen of India” by Act 1 of 2015, S. 3(i)(b)(A) (w.e.f. 6-1-2015).

13. *Subs.* for “has been residing in India for one year” by Act 1 of 2015, S. 3(i)(b)(B) (w.e.f. 6-1-2015).

14. *Ins.* by Act 1 of 2015, S. 3(ii) (w.e.f. 6-1-2015).

¹⁵[(6) If the Central Government is satisfied that circumstances exist which render it necessary to grant exemption from the residential requirement under clause (c) of sub-section (1) to any person or a class of persons, it may, for reasons to be recorded in writing, grant such exemption.]

CASE LAW ▶ Interpretation/Construction.—“Persons of Indian Origin” means persons who are themselves or either of whose parents are born in undivided India, *Azimusshan Haiderv. Union of India*, (2008) 71 AIC 299 (Del).

▶ Requirements.—Persons who had renounced their Indian Citizenship could not be registered as citizen of India except by an order of the Central Government. Section 5(1)(b) does not make statelessness as condition precedent for registration. Essential requirements for such registration are, (i) person seeking registration must be a person of Indian origin; and (ii) must be ordinarily resident in any country or place outside undivided India, *Azimusshan Haider v. Union of India*, (2008) 71 AIC 299 (Del).

▶ Application for citizenship.—An application for registration as an Indian citizen, possession of Pakistani passport, visa granted by Indian Government and, residence of the other members of his family staying in Pakistan at the relevant time repeal the plea of Indian citizenship, *Abdus Samad v. State of West Bengal*, (1973) 1 SCC 451, 453 : 1973 SCC (Cri) 358.

▶ Citizenship to Chakma and Hajong refugees.—Writ petitioner filed petition under Article 32 seeking direction from Supreme Court regarding grant of citizenship to Chakma and Hajong refugees. It was contended that in *NHRC v. State of Arunachal Pradesh*, (1996) 1 SCC 742, their rights were recognized but still no substantial actions had been taken to grant citizenship. Held, in *NHRC case*, it was acknowledged that Chakma refugees have right to be granted citizenship. Subsequent judicial decisions indicate that they do not require to obtain any Inner Line Permit in State of Arunachal Pradesh. There is integral link between State of Arunachal Pradesh and rest of the country since ancient times. Chakmas have been displaced from East Pakistan (now Bangladesh) and were rehabilitated by Government of India. They needed to be protected and their claim of citizenship required to be considered as per law without any discrimination. Hence, in light of judicial decisions, directions were issued for conferment of citizenship to Chakma and Hajong refugees and to complete such proceedings within three months, *Committee for Citizenship Rights of the Chakmas of Arunachal Pradesh v. State of Arunachal Pradesh*, (2016) 15 SCC 540.

6. Citizenship by naturalisation.—(1) Where an application is made in the prescribed manner by any person of full age and capacity ¹⁶[not being an illegal migrant] for the grant of a certificate of naturalisation to him, the Central Government may, if satisfied that the applicant is qualified for naturalisation under the provisions of the Third Schedule, grant to him a certificate of naturalisation:

Provided that, if in the opinion of the Central Government, the applicant is a person who has rendered distinguished service to the cause of science, philosophy, art, literature, world peace or human progress generally, it may waive all or any of the conditions specified in the Third Schedule.

15. *Ins.* by Act 6 of 2004, S. 5(b) (w.e.f. 3-12-2004).

16. *Sub.* by Act 6 of 2004, S. 6 (w.e.f. 3-12-2004). Prior to substitution, it read as: “who is not a citizen of a country specified in the First Schedule”.

(2) The person to whom a certificate of naturalisation is granted under sub-section (1) shall, on taking the oath of allegiance in the form specified in the Second Schedule, be a citizen of India by naturalisation as from the date on which that certificate is granted.

¹⁷[6-A. **Special provisions as to citizenship of persons covered by the Assam Accord.**—(1) For the purposes of this section—

- (a) “Assam” means the territories included in the State of Assam immediately before the commencement of the Citizenship (Amendment) Act, 1985;
- (b) “detected to be a foreigner” means detected to be a foreigner in accordance with the provisions of the Foreigners Act, 1946 (31 of 1946) and the Foreigners (Tribunals) Order, 1964 by a Tribunal constituted under the said Order;
- (c) “specified territory” means the territories included in Bangladesh immediately before the commencement of the Citizenship (Amendment) Act, 1985;
- (d) a person shall be deemed to be of Indian origin, if he, or either of his parents or any of his grandparents was born in undivided India;
- (e) a person shall be deemed to have been detected to be a foreigner on the date on which a Tribunal constituted under the Foreigners (Tribunals) Order, 1964 submits its opinion to the effect that he is a foreigner to the officer or authority concerned.

(2) Subject to the provisions of sub-sections (6) and (7), all persons of Indian origin who came before the 1st day of January, 1966 to Assam from the specified territory (including such of those whose names were included in the electoral rolls used for the purposes of the General Election to the House of the People held in 1967) and who have been ordinarily resident in Assam since the dates of their entry into Assam shall be deemed to be citizens of India as from the 1st day of January, 1966.

(3) Subject to the provisions of sub-sections (6) and (7), every person of Indian origin who—

- (a) came to Assam on or after the 1st day of January, 1966 but before the 25th day of March, 1971 from the specified territory; and
- (b) has, since the date of his entry into Assam, been ordinarily resident in Assam; and
- (c) has been detected to be a foreigner,

shall register himself in accordance with the rules made by the Central Government in this behalf under Section 18 with such authority (hereafter in this sub-section referred to as the registering authority) as may be specified in such rules and if his name is included in any electoral roll for any Assembly or Parliamentary

constituency in force on the date of such detection, his name shall be deleted therefrom.

Explanation.—In the case of every person seeking registration under this sub-section, the opinion of the Tribunal constituted under the Foreigners (Tribunals) Order, 1964 holding such person to be a foreigner, shall be deemed to be sufficient proof of the requirement under clause (c) of this sub-section and if any question arises as to whether such person complies with any other requirement under this sub-section, the registering authority shall,—

- (i) if such opinion contains a finding with respect to such other requirement, decide the question in conformity with such finding;
- (ii) if such opinion does not contain a finding with respect to such other requirement, refer the question to a Tribunal constituted under the said Order having jurisdiction in accordance with such rules as the Central Government may make in this behalf under Section 18 and decide the question in conformity with the opinion received on such reference.

(4) A person registered under sub-section (3) shall have, as from the date on which he has been detected to be a foreigner and till the expiry of a period of ten years from that date, the same rights and obligations as a citizen of India [including the right to obtain a passport under the Passports Act, 1967 (15 of 1967) and the obligations connected therewith], but shall not be entitled to have his name included in any electoral roll for any Assembly or Parliamentary constituency at any time before the expiry of the said period of ten years.

(5) A person registered under sub-section (3) 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 on which he has been detected to be a foreigner.

(6) Without prejudice to the provisions of Section 8,—

- (a) if any person referred to in sub-section (2) submits in the prescribed manner and form and to the prescribed authority within sixty days from the date of commencement of the Citizenship (Amendment) Act, 1985, a declaration that he does not wish to be a citizen of India, such person shall not be deemed to have become a citizen of India under that sub-section;
- (b) if any person referred to in sub-section (3) submits in the prescribed manner and form and to the prescribed authority within sixty days from the date of commencement of the Citizenship (Amendment) Act, 1985 or from the date on which he has been detected to be a foreigner, whichever is later, a declaration that he does not wish to be governed by the provisions of that sub-section and sub-sections (4) and (5), it shall not be necessary for such person to register himself under sub-section (3).

Explanation.—Where a person required to file a declaration under this sub-section does not have the capacity to enter into a contract, such declaration may be filed on his behalf by any person competent under the law for the time being in force to act on his behalf.

- (7) Nothing in sub-sections (2) to (6) shall apply in relation to any person—
- (a) who, immediately before the commencement of the Citizenship (Amendment) Act, 1985, is a citizen of India;
 - (b) who was expelled from India before the commencement of the Citizenship (Amendment) Act, 1985, under the Foreigners Act, 1946, for a year.

(8) Save as otherwise expressly provided in this section, the provisions of this section shall have effect notwithstanding anything contained in any other law for the time being in force.]

CASE LAW ▶ Illegal immigrants from Bangladesh in Assam.—Challenge to Section 6-A after a delay of 27 yrs (said section inserted in 1985), is maintainable, *Assam Sanmilita Mahasangha v. Union of India*, (2015) 3 SCC 1.

▶ **Verification of claims.**—Married woman's migration certificate issued by Secretary of the Village Panchayat and countersigned by local revenue official in respect of females who have migrated to other villages after marriage or such certificates issued by jurisdictional circle officers in respect of urban areas is only a supportive document which enables holder to establish a link with her legacy prior to marriage. Though said document is no proof of citizenship, there is no reason why it cannot be used along with other evidence for establishing claim of citizenship under Section 6-A, if it can be properly verified. Two stages in which said document can be properly verified, described, *Rupajan Begum v. Union of India*, (2018) 1 SCC 579.

¹⁸[**6-B. Special provisions as to citizenship of person covered by proviso to clause (b) of sub-section (1) of Section 2.**—(1) The Central Government or an authority specified by it in this behalf may, subject to such conditions, restrictions and manner as may be prescribed, on an application made in this behalf, grant a certificate of registration or certificate of naturalisation to a person referred to in the proviso to clause (b) of sub-section (1) of Section 2.

(2) Subject to fulfilment of the conditions specified in Section 5 or the qualifications for naturalisation under the provisions of the Third Schedule, a person granted the certificate of registration or certificate of naturalisation under sub-section (1) shall be deemed to be a citizen of India from the date of his entry into India.

(3) On and from the date of commencement of the Citizenship (Amendment) Act, 2019, any proceeding pending against a person under this section in respect of illegal migration or citizenship shall stand abated on conferment of citizenship to him:

Provided that such person shall not be disqualified for making application for citizenship under this section on the ground that the proceeding is pending against him and the Central Government or authority specified by it in this behalf shall not reject his application on that ground if he is otherwise found qualified for grant of citizenship under this section:

18. *Ils. by Act 47 of 2019, S. 3 (w.e.f. 10-1-2020).*

Provided further that the person who makes the application for citizenship under this section shall not be deprived of his rights and privileges to which he was entitled on the date of receipt of his application on the ground of making such application.

(4) Nothing in this section shall apply to tribal area of Assam, Meghalaya, Mizoram or Tripura as included in the Sixth Schedule to the Constitution and the area covered under "The Inner Line" notified under the Bengal Eastern Frontier Regulation, 1873 (5 of 1873).]

7. Citizenship by incorporation of territory.—If any territory becomes a part of India, the Central Government may, by order notified in the Official Gazette, specify the persons who shall be citizens of India by reason of their connection with that territory; and those persons shall be citizens of India as from the date to be specified in the order.

¹⁹[*Overseas Citizenship*

²⁰[**7-A. Registration of Overseas Citizen of India Cardholder.**—(1) The Central Government may, subject to such conditions, restrictions and manner as may be prescribed, 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 day of August, 1947; or
 - (iv) who is a child or a grandchild or a great grandchild of such a citizen; or

19. *Ins.* by Act 6 of 2004, S. 7 (w.e.f. 3-12-2004).

20. *Subs.* by Act 1 of 2015, S. 4 (w.e.f. 6-1-2015). Prior to substitution it read as:

"7-A. *Registration of overseas citizens of India.*—The Central Government may, subject to such conditions and restrictions as may be prescribed, on an application made in this behalf, register as an overseas citizen of India—

- (a) any person of full age and capacity,—
- (i) who is 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 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 citizen of another country, but belonged to a territory that became part of India after the 15th day of August, 1947; or
 - (iv) who is a child or a grand-child of such a citizen; or
- (b) a person, who is a minor child of a person mentioned in clause (a):

Provided that no person, who is or had been a citizen of Pakistan, Bangladesh or such other country as the Central Government may, by notification in the Official Gazette, specify, shall be eligible for registration as an overseas citizen of India."

- (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 registered under Section 7-A 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 under this section:

Provided that for the eligibility for registration as an Overseas Citizen of India Cardholder, such spouse shall be subjected to prior security clearance by a competent authority in India:

Provided further that 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, by notification in the Official Gazette, specify, shall be eligible for registration as an Overseas Citizen of India Cardholder under this sub-section.

(2) The Central Government may, by notification in the Official Gazette, specify the date from which the existing Persons of Indian Origin Cardholders shall be deemed to be Overseas Citizens of India Cardholders.

Explanation.—For the purposes of this sub-section, “Persons of Indian Origin Cardholders” means the persons registered as such under notification number 26011/4/98 F.I., dated the 19th August, 2002, issued by the Central Government in this regard.

(3) Notwithstanding anything contained in sub-section (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.]

²¹[**7-B. Conferment of rights on Overseas Citizen of India Cardholder.**—(1) Notwithstanding anything contained in any other law for the time being in force,

21. *Subs.* by Act 1 of 2015, S. 4 (w.e.f. 6-1-2015). Prior to substitution it read as:

“7-B. *Conferment of rights on overseas citizens of India.*—(1) Notwithstanding anything contained in any other law for the time being in force, an overseas citizen of India shall be entitled to such rights other than the rights specified under sub-section (2) as the Central Government may, by notification in the Official Gazette, specify in this behalf.

(2) An overseas citizen of India shall not be entitled to the rights conferred on a citizen of India—

- (a) under Article 16 of the Constitution with regard to equality of opportunity in matters of public employment;
- (b) under Article 58 of the Constitution for election as President;
- (c) under Article 66 of the Constitution for election of Vice-President;
- (d) under Article 124 of the Constitution for appointment as a Judge of the Supreme Court;
- (e) under Article 217 of the Constitution for appointment as a Judge of the High Court;
- (f) under Section 16 of the Representation of the People Act, 1950 (43 of 1950) in regard to registration as a voter;
- (g) under Sections 3 and 4 of the Representation of the People Act, 1951 (43 of 1951) with regard to the eligibility for being a member of the House of the People or of the Council of States, as the case may be;

an Overseas Citizen of India Cardholder shall be entitled to such rights, other than the rights specified under sub-section (2), as the Central Government may, by notification in the Official Gazette, specify in this behalf.

(2) An Overseas Citizen of India Cardholder shall not be entitled to the rights conferred on a citizen of India—

- (a) under Article 16 of the Constitution with regard to equality of opportunity in matters of public employment;
- (b) under Article 58 of the Constitution for election as President;
- (c) under Article 66 of the Constitution for election as Vice-President;
- (d) under Article 124 of the Constitution for appointment as a Judge of the Supreme Court;
- (e) under Article 217 of the Constitution for appointment as a Judge of the High Court;
- (f) under Section 16 of the Representation of the People Act, 1950 (43 of 1950) in regard to registration as a voter;
- (g) under Sections 3 and 4 of the Representation of the People Act, 1951 (43 of 1951) with regard to the eligibility for being a member of the House of the People or of the Council of States, as the case may be;
- (h) under Sections 5, 5-A and Section 6 of the Representation of the People Act, 1951 (43 of 1951) with regard to the eligibility for being a member of the Legislative Assembly or the Legislative Council, as the case may be, of a State;
- (i) 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, by special order in that behalf, specify.

(3) Every notification issued under sub-section (1) shall be laid before each House of Parliament.]

CASE LAW ► Rights of overseas citizen.—Only Indian passport holders will be permitted to represent India in international sports events. The very wording of Section 7-B of the Act indicates that what is meant to be granted to Overseas Citizen of India or a Person of Indian Origin is a limited right. Secondly, it is a statutory right and not a fundamental or constitutional right. The grant of the limited right is by the Central Government by notification under Section 7-B of the Act. Therefore, what right is granted depends on the policy of the Central Government. It is not automatic on the attaining of the status of an OCI. There cannot be a presumption that a right that is not taken away by a notification is deemed to have been granted. On the other hand Section 7-B makes it clear that only those rights that are specifically granted by a notification issued by the Central Government in exercise of its powers under Section 7-B(1) of the Act are available to

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- (h) under Sections 5, 5-A and 6 of the Representation of the People Act, 1951 (43 of 1951) with regard to the eligibility for being a Member of the Legislative Assembly or a Legislative Council, as the case may be, of a State;
 - (i) for appointment to public services and posts in connection with the affairs of the Union or of any State except for appointment in such services and posts as the Central Government may by special order in that behalf specify.
- (3) Every notification issued under sub-section (1) shall be laid before each House of Parliament.”

an OCI. The legislative intent appears to give the government flexibility in changing its policy from time to time. It might, depending on the circumstances, change its policy and decide to withdraw a right granted to an OCI by issuing a notification to that effect. Incidentally, there is no challenge to the validity of Section 7-B of the Act which permits this, *Karm Kumar v. Union of India*, (2010) 172 DLT 521 (Del).

²²[7-C. **Renunciation of Overseas Citizen of India Card.**—(1) If any Overseas Citizen of India Cardholder of full age and capacity 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 under sub-section (1), the spouse of foreign origin of that person, who has obtained Overseas Citizen of India Card under clause (d) of sub-section (1) of Section 7-A, 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.]

²³[7-D. **Cancellation of registration as Overseas Citizen of India Cardholder.**—The Central Government may, by order, cancel the registration granted under sub-section (1) of Section 7-A, 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, as by law established; or
- (c) the Overseas Citizen of India Cardholder has, during any war in which India may be engaged, unlawfully traded or communicated with

22. *Subs.* by Act 1 of 2015, S. 4 (w.e.f. 6-1-2015). Prior to substitution it read as:

“7-C. *Renunciation of overseas citizenship.*—(1) If any overseas citizen of India of full age and capacity makes in the prescribed manner a declaration renouncing his overseas citizenship of India, the declaration shall be registered by the Central Government, and upon such registration, that person shall cease to be an overseas citizen of India.

(2) Where a person ceases to be an overseas citizen of India under sub-section (1), every minor child of that person registered as an overseas citizen of India, shall thereupon cease to be an overseas citizen of India.”

23. *Subs.* by Act 1 of 2015, S. 4 (w.e.f. 6-1-2015). Prior to substitution it read as:

“7-D. *Cancellation of registration as overseas citizen of India.*—The Central Government may, by order, cancel the registration granted under sub-section (1) of Section 7-A if it is satisfied that—

- (a) the registration as an overseas citizen of India was obtained by means of fraud, false representation or the concealment of any material fact; or
- (b) the overseas citizen of India has shown disaffection towards the Constitution of India as by law established; or
- (c) the overseas citizen of India has, during any war in which India may be engaged, unlawfully traded or communicated with an enemy or been engaged in, or associated with, any business or commercial activity that was to his knowledge carried on in such manner as to assist an enemy in that war; or
- (d) the overseas citizen of India has, within five years after registration under sub-section (1) of Section 7-A has been sentenced to imprisonment for a term of not less than two years; or
- (e) it is necessary so to do in the interest 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.”

an enemy or been engaged in, or associated with, any business or commercial activity that was to his knowledge carried on in such manner as to assist an enemy in that war; or

- (d) the Overseas Citizen of India Cardholder has, within five years after registration under sub-section (1) of Section 7-A, been sentenced to imprisonment for a term of not less than two years; or
- ²⁴[(da) the Overseas Citizen of India Cardholder has violated any of the provisions of this Act or provisions of any other law for time being in force as may be specified by the Central Government in the notification published in the Official Gazette; 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, who has obtained such Card under clause (d) of sub-section (1) of Section 7-A,—
- (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:]

²⁵[Provided that no order under this section shall be passed unless the Overseas Citizen of India Cardholder has been given a reasonable opportunity of being heard.]

Termination of Citizenship

8. Renunciation of citizenship.—(1) If any citizen of India of full age and capacity, ²⁶[* * *] makes in the prescribed manner a declaration renouncing his Indian Citizenship, the declaration shall be registered by the prescribed authority; and, upon such registration, that person shall cease to be a citizen of India:

Provided that if any such declaration is made during any war in which India may be engaged, registration thereof shall be withheld until the Central Government otherwise directs.

(2) Where ²⁷[a person] ceases to be a citizen of India under sub-section (1) every minor child of that person shall thereupon cease to be a citizen of India:

Provided that any such child may, within one year after attaining full age, make a declaration ²⁸[in the prescribed form and manner] that he wishes to resume Indian Citizenship and shall thereupon again become a citizen of India.

(3) ²⁹[* * *]

24. *Ins.* by Act 47 of 2019, S. 4(i) (w.e.f. 10-1-2020).

25. *Ins.* by Act 47 of 2019, S. 4(ii) (w.e.f. 10-1-2020).

26. The words “who is also a citizen or national of another country” *omitted* by Act 6 of 2004, S. 8(a) (w.e.f. 3-12-2004).

27. *Subs.* for “a male person” by Act 39 of 1992, S. 3.

28. *Ins.* by Act 6 of 2004, S. 8(b) (w.e.f. 3-12-2004).

29. *Omitted* by Act 6 of 2004, S. 8(c) (w.e.f. 3-12-2004). Prior to omission it read as:

“(3) For the purposes of this section, any woman who is, or has been, married shall be deemed to be of full age.”

9. Termination of citizenship.—(1) Any citizen of India who by naturalisation, registration or otherwise voluntarily acquires, or has at any time between the 26th January, 1950 and the commencement of this Act voluntarily acquired, the citizenship of another country shall, upon such acquisition or, as the case may be, such commencement, cease to be a citizen of India:

Provided that nothing in this sub-section shall apply to a citizen of India who, during any war in which India may be engaged, voluntarily acquires the citizenship of another country, until the Central Government otherwise directs.

(2) If any question arises as to whether, when or how any ³⁰[citizen of India] has acquired the citizenship of another country, it shall be determined by such authority, in such manner, and having regard to such rules of evidence, as may be prescribed in this behalf.

CASE LAW ▶ Nature and scope.—The language of Section 9(1) of the Citizenship Act is clear and unequivocal and leaves no room for doubt that it would cover all cases where an Indian citizen has acquired foreign nationality between January 26, 1950 and its commencement. The words “or has at any time between 26-1-1950 and the commencement of the Act voluntarily acquired the citizenship of another country”, would become redundant if only prospective operation is given to Section 9(1) of the Act, *State of U.P. v. Shah Mohammed*, (1969) 1 SCC 771.

Section 9(2) does not prevent a civil court from determining the question concerning the nationality of a person, *Akbar Khan v. Union of India*, (1962) 1 SCR 779.

▶ **Validity of provision.**—Schedule III, Rule 3, Citizenship Rules, 1956, which makes it obligatory on the enquiring authority to infer the acquisition of citizenship of foreign country from the fact that the passport of foreign country has been obtained by an Indian citizen, is a “rule of evidence” and falls within the scope prescribed by Section 9(2) of the Citizenship Act, 1955. The challenge to its validity on the ground that it is a rule of substantive law must, therefore, fail, *Izhar Ahmad v. Union of India*, 1962 Supp 3 SCR 235.

▶ **Applicability.**—Section 9 of the Citizenship Act applies to a situation where the question is whether an Indian Citizen lost his citizenship by acquiring the citizenship of a foreign. Section 9 does not apply where a foreigner clandestinely entered India and staying there, *Mohd. Elahi v. State of W.B.*, (2009) 1 CHN 451.

▶ **Question of fact.**—The question whether the respondent is a foreigner is a question of fact on which there is a great deal of dispute which would require a detailed examination of evidence. A proceeding under Article 226 of the Constitution would not be appropriate for a decision of the question. This question is best decided by a suit and to this course neither party seems to have any serious objection, *Union of India v. Ghaus Mohammad*, (1962) 1 SCR 744.

The question as to whether a person has lost his citizenship of this country and has acquired the citizenship of a foreign country has to be tried by the Central Government and it is only after the Central Government has decided the point that the State Government can deal with the person as a foreigner. It may be that if a passport from a foreign Government is obtained by a citizen and the case falls under the impugned Rule, the conclusion may follow that he has acquired the citizenship of the foreign country; but that conclusion can be drawn only by the appropriate authority authorised under the Act to enquire into the question. Therefore, there is no doubt that in all cases where action is proposed to be taken against persons

30. Sub. for “person” by Act 6 of 2004, S. 9 (w.e.f. 3-12-2004).

residing in this country on the ground, that they have acquired the citizenship of a foreign State and have lost in consequence the citizenship of this country, it is essential that the question should be first considered by the Central Government, *Govt. of A.P. v. Mohd. Khan*, 1962 Supp 3 SCR 288 : AIR 1962 SC 1778.

Whether the respondent had lost his citizenship and acquired Pakistani nationality had to be determined by the Central Government so that till the Central Government determined the question of the respondent having acquired Pakistani nationality and had thereby lost Indian nationality he could not be treated as a foreigner and no penal action could be taken against him on the basis of his status as a foreigner, *State of U.P. v. Rehmatullah*, (1971) 2 SCC 113.

That the question as to whether, when or how an Indian citizen has acquired the citizenship of another country has to be determined by the Central Government by virtue of the provisions of Section 9(2) of the Indian Citizenship Act, 1955, read with Rule 30 of the Citizenship Rules, 1958. From the amplitude of the language employed in Section 9 which takes in persons who voluntarily acquired the citizenship of another State or country between January 26, 1950 and December 30, 1955, i.e. the date of commencement of the Act, the intention has been made clear that all cases which come up for determination where an Indian citizen has voluntarily acquired the citizenship of a foreign counter after the commencement of the Constitution have to be dealt with and decided in accordance with its provisions. Such matters as are not covered by that provision have however to be determined by the courts, *State of U.P. v. Shah Mohammed*, (1969) 1 SCC 771.

► **Enquiry.**—Though an enquiry under Section 9(2) is a quasi-judicial enquiry, it is only when a plea is raised that citizen had not voluntarily obtained the passport that he should be afforded an opportunity to prove his case. The appellant on his own showing had voluntarily applied for and obtained the Pakistani Passport and, therefore, no occasion arose for the Government to give him, a personal hearing or to give him an opportunity to adduce oral evidence, *Mohd. Ilyas v. Union of India*, (1970) 3 SCC 61.

► **Prosecution of a person.**—Prosecution of a person on ground that he has lost citizenship by acquiring a citizenship of foreign country can be initiated only after termination of his Indian Citizenship, *Mohd. Elahi v. State of W.B.*, (2009) 74 AIC 747 (Cal).

10. Deprivation of citizenship.—(1) A citizen of India who is such by naturalisation or by virtue only of clause (c) of Article 5 of the Constitution or by registration otherwise than under clause (b)(ii) of Article 6 of the Constitution or clause (a) of sub-section (1) of Section 5 of this Act, shall cease to be a citizen of India, if he is deprived of the citizenship by an order of the Central Government under this section.

(2) Subject to the provisions of this section, the Central Government may, by order, deprive any such citizen of Indian citizenship, if it is satisfied that—

- (a) the registration or certificate of naturalisation was obtained by means of fraud, false representation or the concealment of any material fact; or
- (b) the citizen has shown himself by act or speech to be disloyal or disaffected towards the Constitution of India as by law established; or
- (c) that citizen has, during any war in which India may be engaged unlawfully traded or communicated with an enemy or been engaged in, or associated with, any business that was to his knowledge carried on in such manner as to assist an enemy in that war; or

- (d) that citizen has, within five years after registration or naturalisation, been sentenced in any country to imprisonment for a term of not less than two years; or
- (e) that citizen has been ordinarily resident out of India for a continuous period of seven years, and during that period, has neither been at any time a student of any educational institution in a country outside India or in the service of a Government in India or of an international organisation of which India is a member, nor registered annually in the prescribed manner at an Indian consulate his intention to retain his citizenship of India.

(3) The Central Government shall not deprive a person of citizenship under this section unless it is satisfied that it is not conducive to the public good that the person should continue to be a citizen of India.

(4) Before making an order under this section, the Central Government shall give the person against whom the order is proposed to be made notice in writing informing him of the ground on which it is proposed to be made and, if the order is proposed to be made on any of the grounds specified in sub-section (2) other than clause (e) thereof, of his right, upon making application therefor in the prescribed manner, to have his case referred to a committee of inquiry under this section.

(5) If the order is proposed to be made against a person on any of the grounds specified in sub-section (2) other than clause (e) thereof and that person so applies in the prescribed manner, the Central Government shall, and in any other case it may, refer the case to a Committee of Inquiry consisting of a chairman (being a person who has for at least ten years held a judicial office) and two other members appointed by the Central Government in this behalf.

(6) The Committee of Inquiry shall, on such reference, hold the inquiry in such manner as may be prescribed and submit its report to the Central Government; and the Central Government shall ordinarily be guided by such report in making an order under this section.

CASE LAW ▶ Deprivation of citizenship.—Under clause (a) of sub-section (2) of Section 10 a citizen can be deprived of his citizenship only if it is proved that the registration was obtained by means of fraud, false representation or concealment of any material fact. This power cannot, therefore, be exercised unless such fraud, false representation or suppression of a material fact exists. *Ghaurul Hasan v. State of Rajasthan*, AIR 1967 SC 107 : (1962) 1 SCR 772.

11. Commonwealth citizenship.—³¹[* * *]

Supplemental

12. Power to confer rights of Indian citizen or citizens of certain countries.—³²[* * *]

31. Omitted by Act 6 of 2004, S. 10 (w.e.f. 3-12-2004). Prior to omission it read as:

“11. *Commonwealth citizenship.*—Every person who is a citizen of a Commonwealth country specified in the First Schedule shall, by virtue of that citizenship, have the status of Commonwealth citizen in India.”

32. Omitted by Act 6 of 2004, S. 10 (w.e.f. 3-12-2004). Prior to omission S. 12 read as:

13. Certificate of Citizenship in case of doubt.—The Central Government may, in such cases as it thinks fit, certify that a person, with respect to whose citizenship of India a doubt exists, is a citizen of India; and a certificate issued under this section shall, unless it is proved that it was obtained by means of fraud, false representation or concealment of any material fact, be conclusive evidence that that person was such a citizen on the date thereof, but without prejudice to any evidence that he was such a citizen at an earlier date.

14. Disposal of application under Sections 5³³[, 6 and 7-A].—(1) The prescribed authority or the Central Government may, in its discretion, grant or refuse an application under ³⁴[Sections 5, 6 or 7-A] and shall not be required to assign any reasons for such grant or refusal.

(2) Subject to the provisions of Section 15 the decision of the prescribed authority or the Central Government on any such application as aforesaid shall be final and shall not be called in question in any court.

³⁵[**14-A. Issue of national identity cards.**—(1) The Central Government may compulsorily register every citizen of India and issue national identity card to him.

(2) The Central Government may maintain a National Register of Indian Citizens and for that purpose establish a National Registration Authority.

(3) On and from the date of commencement of the Citizenship (Amendment) Act, 2003, the Registrar General, India, appointed under sub-section (1) of Section 3 of the Registration of Births and Deaths Act, 1969 (18 of 1969) shall act as the National Registration Authority and he shall function as the Registrar General of Citizen Registration.

(4) The Central Government may appoint such other officers and staff as may be required to assist the Registrar General of Citizen Registration in discharging his functions and responsibilities.

(5) The procedure to be followed in compulsory registration of the citizens of India shall be such as may be prescribed.]

15. Revision.—(1) Any person aggrieved by an order made under this Act by the prescribed authority or any officer or other authority (other than the Central Government) may, within a period of thirty days from the date of the order, make an application to the Central Government for revision of that order:

Provided that the Central Government may entertain the application after the expiry of the said period of thirty days, if it is satisfied that the applicant was prevented by sufficient cause from making the application in time.

“12. Power to confer rights of Indian citizen or citizens of certain countries.—(1) The Central Government may, by order notified in the Official Gazette, make provisions on a basis of reciprocity for the conferment of all or any of the rights of citizen of India on the citizens of any country specified in the First Schedule.

(2) Any order made under sub-section (1) shall have effect notwithstanding anything inconsistent therewith contained in any law other than the Constitution of India or this Act.”

33. *Sub.* for “and 6” by Act 6 of 2004, S. 11 (w.e.f. 3-12-2004).

34. *Sub.* for “Section 5 or Section 6” by Act 6 of 2004, S. 11 (w.e.f. 3-12-2004).

35. *Ins.* by Act 6 of 2004, S. 12 (w.e.f. 3-12-2004).

(2) On receipt of any such application under sub-section (1), the Central Government shall, after considering the application of the aggrieved person and any report thereon which the officer or authority making the order may submit, make such order in relation to the application as it deems fit, and the decision on the Central Government shall be final.

³⁶[**15-A. Review.**—(1) Any person aggrieved by an order made by the Central Government, may, within thirty days from the date of such order, make an application for review of such order:

Provided that the Central Government may entertain an application after the expiry of the said period of thirty days, if it is satisfied that the applicant was prevented by sufficient cause from making the application in time:

Provided further that an application for a review of an order passed in terms of the provisions of Section 14-A shall be disposed of in the manner provided for in the procedure as may be laid down under clause (ia) of sub-section (2) of Section 18.

(2) On receipt of an application under sub-section (1), the Central Government shall, make such order as it deems fit, and the decision of the Central Government on such review shall be final.]

CASE LAW ► Nature and scope.—Section 15-A entitles the authority to modify the order under cancellation even on a fresh evaluation of the material. If the original order of cancellation did not attract the principle of *audi alteram partem* an order in review under Section 15-A would not attract the said doctrine either, *Satish Nambiar v. Union of India*, (2008) 103 DRJ 554 (DB).

16. Delegation of power.—The Central Government may, by order, direct that any power which is conferred on it by any of the provisions of this Act other than those of Section 10 and Section 18 shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable also by such officer or authority as may be so specified.

17. Offences.—Any person who, for the purpose of procuring anything to be done or not to be done under this Act, knowingly makes any representation which is false in a material particular shall be punishable with imprisonment for a term which may extend to ³⁷[five years], or with fine ³⁸[which may extend to fifty thousand rupees], or with both.

18. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the registration of anything required or authorized under this Act to be registered, and the conditions and restrictions in regard to such registration;

36. *Ins.* by Act 6 of 2004, S. 13 (w.e.f. 3-12-2004).

37. *Sub.* for “six months” by Act 6 of 2004, S. 14(a) (w.e.f. 3-12-2004).

38. *Ins.* by Act 6 of 2004, S. 14(b) (w.e.f. 3-12-2004).

- ³⁹[(aa) the form and manner in which a declaration under sub-section (1) of Section 4 shall be made;]
- (b) the forms to be used and the registers to be maintained under this Act;
- (c) the administration and taking of oaths of allegiance under this Act, and the time within which, and the manner in which, such oaths shall be taken and recorded;
- (d) the giving of any notice required or authorized to be given by any person under this Act;
- (e) the cancellation of the registration of, and the cancellation and amendment of certificate of naturalisation relating to, persons deprived of citizenship under this Act, and the delivering up of such certificates for those purposes;
- ⁴⁰[(ee) the manner and form in which and the authority to whom declarations referred to in clauses (a) and (b) of sub-section (6) of Section 6-A shall be submitted and other matters connected with such declarations;]
- ⁴¹[(eei) the conditions, restrictions and manner for granting certificate of registration or certificate of naturalisation under sub-section (1) of Section 6-B;]
- ⁴²[(eea) the conditions and the manner subject to which a person may be registered as an Overseas Citizen of India Cardholder under sub-section (1) of Section 7-A;]
- ⁴³[(eeb) the manner of making declaration for renunciation of Overseas Citizen of India Card under sub-section (1) of Section 7-C;]
- (f) the registration at Indian consulates of the births and deaths of persons of any class or description born or dying outside India;
- (g) the levy and collection of fees in respect of applications, registrations, declarations and certificates under this Act, in respect of the taking of an oath of allegiance, and in respect of the supply of certified or other copies of documents;
- (h) the authority to determine the question of acquisition of citizenship of another country, the procedure to be followed by such authority and rules of evidence relating to such cases;
- (i) the procedure to be followed by the committees of inquiry appointed under Section 10 and the conferment on such committees of any of the powers, rights and privileges of civil courts;
- ⁴⁴[(ia) the procedure to be followed in compulsory registration of the citizens of India under sub-section (5) of Section 14-A;]
- (j) the manner in which applications for revision may be made and the procedure to be followed by the Central Government in dealing with such applications; and
- (k) any other matter which is to be, or may be, prescribed under this Act.

39. *Ins.* by Act 6 of 2004, S. 15(i) (w.e.f. 3-12-2004).

40. *Ins.* by Act 65 of 1985, S. 3 (w.e.f. 7-12-1985).

41. *Ins.* by Act 47 of 2019, S. 5 (w.e.f. 10-1-2020).

42. *Ins.* by Act 1 of 2015, S. 5 (w.e.f. 6-1-2015).

43. *Ins.* by Act 1 of 2015, S. 5 (w.e.f. 6-1-2015).

44. *Ins.* by Act 6 of 2004, S. 15(i)(b) (w.e.f. 3-12-2004).

(3) In making any rule under this section, the Central Government may provide that breach thereof shall be punishable with fine which may extend to one thousand rupees:

⁴⁵[Provided that any rule made in respect of a matter specified in clause (ia) of sub-section (2) may provide that a breach thereof shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both.]

⁴⁶[(4) Every rule made under this section shall be laid, as soon as may be after it is made before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

CASE LAW ▶ National Register of Citizens of India (NRC).—Complete draft of NRC for State of Assam prepared after claims/objections cannot be basis for any action by authorities. Authorities must grant reasonable opportunity to each concerned, *Assam Public Works v. Union of India*, (2018) 9 SCC 229.

▶ **Right of appeal.**—Right of appeal to Foreigners Tribunal regarding preparation and publication procedure of National Register of Citizens for the State of Assam, under Para 8 of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003, not available to persons in respect of whom Foreigners Tribunal has already declared their citizenship status as Indian Nationals or Foreigners under the Foreigners (Tribunals) Order, 1964 issued under Section 3, Foreigners Act, 1946. Right of appeal under Para 8 is only available to persons whose citizenship status has not been declared by Foreigners Tribunal. Foreigners Tribunal cannot re-determine citizenship status. Bar of res judicata would apply as Foreigners Tribunal is a quasi-judicial body. Opinion of Foreigners Tribunal as to citizenship status or order passed by Registering Authority based on opinion of Foreigners Tribunal as to citizenship status can be challenged by way of writ proceedings under Articles 226 and 32 of the Constitution. Expression “competent authority” in Para 3(2) of Schedule to 2003 Rules made under Citizenship Act, means Foreigners Tribunal under 1964 Order made under Foreigners Act. Foreigners Act and Citizenship Act have to read harmoniously as they are inter-related and are sister enactments, *Abdul Kuddus v. Union of India*, (2019) 6 SCC 604.

19. Repeals.—⁴⁷[* * *]

45. Ins. by Act 6 of 2004, S. 15(ii) (w.e.f. 3-12-2004).

46. Subs. by Act 4 of 1986, S. 2 and Sch. (w.e.f. 15-5-1986).

47. Repealed by the Repealing and Amending Act, 1960 (Act 58 of 1960) Section 2 and the First Schedule. Prior to repeal it read as:

“19. Repeals.—(1) The British Nationality and Status of Aliens Acts, 1914 to 1943, are hereby repealed in their application to India.

(2) All laws relating to naturalisation which are in force in any part of India are hereby repealed.”

FIRST SCHEDULE⁴⁸[* * *]⁴⁹[**SECOND SCHEDULE**

[See Sections 5(2) and 6(2)]

Oath of Allegiance

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 fulfil my duties as a citizen of India.]

THIRD SCHEDULE

[See Section 6(1)]

Qualifications for Naturalisation

The qualifications for naturalisation of a person ⁵⁰[* * *] are:—

- (a) that he is not a subject or citizen of any country where citizens of India are prevented by law or practice of that country from becoming subjects or citizens of that country by naturalisation;
- (b) that, if he is a citizen of any country, ⁵¹[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:

⁵²[Provided that if the Central Government is satisfied that special circumstances exist, it may, after recording the circumstances in writing, relax the period of twelve months up to a maximum of thirty days which may be in different breaks;]

- (d) that during the ⁵³[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

48. Omitted by Act 6 of 2004, S. 16 (w.e.f. 3-12-2004). Prior to omission it read as:

FIRST SCHEDULE

[See Sections 2(1)(b) and 5(1)(e)]

A. The following Commonwealth countries:--

1. United Kingdom.
2. Canada.
3. Commonwealth of Australia.
4. New Zealand.
5. Union of South Africa.
6. Pakistan.
7. Ceylon.
8. Federation of Rhodesia and Nyasaland.
9. Ghana.
10. Federation of Malaya.
11. Singapore.

B. The Republic of Ireland.

Explanation.—In this Schedule, “United Kingdom” means the United Kingdom of Great Britain and Northern Ireland, and includes the Channel Islands, the Isle of Man and all Colonies; and “Commonwealth of Australia” includes the territories of Papua and the territory of Norfolk Island.’

49. *Sub.* by Act 6 of 2004, S. 17 (w.e.f. 3-12-2004).

50. The words “who is not a citizen of a country specified in the First Schedule” omitted by Act 6 of 2004, S. 18 (w.e.f. 3-12-2004).

51. *Sub.* for “he has renounced the citizenship of that country in accordance with the law therein in force in that behalf and has notified such renunciation to the Central Government” by Act 6 of 2004, S. 18 (w.e.f. 3-12-2004).

52. *Ins.* by Act 1 of 2015, S. 6 (w.e.f. 6-1-2015).

53. *Sub.* for “twelve years” by Act 6 of 2004, S. 18 (w.e.f. 3-12-2004).

one and partly the other, for periods amounting in the aggregate to not less than ⁵⁴[eleven years]:

⁵⁵[Provided that for the person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community in Afghanistan, Bangladesh or Pakistan, the aggregate period of residence or service of Government in India as required under this clause shall be read as "not less than five years" in place of "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 Constitution; 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:

Provided that the Central Government may, if in the special circumstances of any particular case it thinks fit,—

- (i) allow a continuous period of twelve months ending not more than six months before the date of the application to be reckoned, for the purposes of clause (c) above, as if it had immediately preceded that date;
- (ii) allow periods of residence or service earlier than ⁵⁶[fifteen years] before the date of the application to be reckoned in computing the aggregate mentioned in clause (d) above.

⁵⁷[FOURTH SCHEDULE]

⁵⁸[* * *]

NOTIFICATIONS

(1)

*Ministry of Home Affairs, Noti. No. S.O. 1050(E), dated March 4, 2021,
published in the Gazette of India, Extra., Part II, Section 3(ii),
dated 4th March, 2005, pp. 3-4, No. 962*

In exercise of the powers conferred by sub-section (1) of Section 7-B of the Citizenship Act, 1955 (57 of 1955) and in supersession of the notification of the Government of India in the Ministry of Home Affairs published in the Official Gazette vide number S.O. 542(E), dated the 11th April,

54. *Sub.* for "nine years" by Act 6 of 2004, S. 18 (w.e.f. 3-12-2004).

55. *Ins.* by Act 47 of 2019, S. 6 (w.e.f. 10-1-2020).

56. *Sub.* for "thirteen years" by Act 6 of 2004, S. 18 (w.e.f. 3-12-2004).

57. *Ins.* by Act 6 of 2004, S. 19 (w.e.f. 3-12-2004).

58. *Omitted* by Act 32 of 2005, S. 5 (w.e.f. 28-6-2005). Prior to omission it read as:

"FOURTH SCHEDULE

[See Section 2(1)(gg)]

1. Australia.
2. Canada.
3. Finland.
4. France.
5. Greece.
6. Ireland.
7. Israel.
8. Italy.
9. Netherlands.
10. New Zealand.
11. Portugal.
12. Republic of Cyprus.
13. Sweden.
14. Switzerland.
15. United Kingdom.
16. United States of America."

2005 and the notifications of the Government of India in the erstwhile Ministry of Overseas Indian Affairs published in the Official Gazette vide numbers S.O. 12(E), dated the 5th January, 2007 and S.O. 36(E), dated the 5th January, 2009, except as respect things done or omitted to be done before such supersession, the Central Government hereby specifies the following rights to which an Overseas Citizen of India Cardholder (hereinafter referred to as the OCI cardholder) shall be entitled, with effect from the date of publication of this notification in the Official Gazette, namely:—

- (1) grant of multiple entry lifelong visa for visiting India for any purpose:
 Provided that for undertaking the following activities, the OCI cardholder shall be required to obtain a special permission or a Special Permit, as the case may be, from the competent authority or the Foreigners Regional Registration Officer or the Indian Mission concerned, namely—
 - (i) to undertake research;
 - (ii) to undertake any Missionary or Tabligh or Mountaineering or Journalistic activities;
 - (iii) to undertake internship in any foreign Diplomatic Missions or foreign Government organisations in India or to take up employment in any foreign Diplomatic Missions in India;
 - (iv) to visit any place which falls within the Protected or Restricted or prohibited areas as notified by the Central Government or competent authority;
- (2) exemption from registration with the Foreigners Regional Registration Officer or Foreigners Registration Officer for any length of stay in India:
 Provided that the OCI cardholders who are normally resident in India shall intimate the jurisdictional Foreigners Regional Registration Officer or the Foreigners Registration Officer by email whenever there is a change in permanent residential address and in their occupation;
- (3) parity with Indian nationals in the matter of,—
 - (i) tariffs in air fares in domestic sectors in India; and
 - (ii) entry fees to be charged for visiting national parks, wildlife sanctuaries, the national monuments, historical sites and museums in India;
- (4) parity with Non-Resident Indians in the matter of,—
 - (i) inter-country adoption of Indian children subject to the compliance of the procedure as laid down by the competent authority for such adoption;
 - (ii) appearing for the all India entrance tests such as National Eligibility cum Entrance Test, Joint Entrance Examination (Mains), Joint Entrance Examination (Advanced) or such other tests to make them eligible for admission only against any Non-Resident Indian seat or any supernumerary seat:
 Provided that the OCI cardholder shall not be eligible for admission against any seat reserved exclusively for Indian citizens;
 - (iii) purchase or sale of immovable properties other than agricultural land or farm house or plantation property; and
 - (iv) pursuing the following professions in India as per the provisions contained in the applicable relevant statutes or Acts as the case may be, namely—
 - (a) doctors, dentists, nurses and pharmacists;
 - (b) advocates;
 - (c) architects;
 - (d) chartered accountants;
- (5) in respect of all other economic, financial and educational fields not specified in this notification or the rights and privileges not covered by the notifications made by the Reserve Bank of India under the Foreign Exchange Management Act, 1999 (42 of 1999), the OCI cardholder shall have the same rights and privileges as a foreigner.

Explanation.— For the purposes of this notification,—

- (1) The OCI Cardholder (including a PIO cardholder) is a foreign national holding passport of a foreign country and is not a citizen of India.
- (2) “Non-Resident Indian” shall have the same meaning as assigned to it in the Foreign Exchange Management (Acquisition and Transfer of Immovable Property in India) Regulations, 2018 made by the Reserve Bank of India under the Foreign Exchange Management Act, 1999 (42 of 1999) and who fulfils the “Non-Resident Indian” status as per the Income Tax Act, 1961 (43 of 1961).

(2)

*Ministry of Overseas Indian Affairs, Noti. No. S.O. 585(E), dated March 23, 2012,
published in the Gazette of India, Extra., Part II, Section 3(ii),
dated 27th March, 2012, p. 1, No. 507*

In exercise of the powers conferred by sub-section (1) of Section 7-B of the Citizenship Act, 1955 (57 of 1955), and in continuation of the notifications of the Government of India in the Ministry of Home Affairs, Number S.O. 542(E), dated 11th April, 2005 and in the Ministry of Overseas Indian Affairs S.O. 12(E), dated 6th January, 2007 and S.O. 36(E), dated 6th January, 2009, the Government of India hereby specifies the following rights to which persons registered as Overseas Citizens of India (OCI) under Section 7-A of the said Act, shall be entitled, namely—

“State Governments should ensure that the OCI registration booklets of OCIs are treated as their identification for any services rendered to them. In case proof of residence is required, Overseas Citizens of India may give an affidavit attested by a notary public stating that a particular/specific address may be treated as their place of residence in India, and may also in their affidavit give their overseas residential address as well as e-mail address, if any.”

(3)

*Ministry of Home Affairs, Noti. No. S.O. 5377(E), dated October 23, 2018,
published in the Gazette of India, Extra., Part II, Section 3(ii),
dated 24th October, 2018, pp. 2-3, No. 4172*

In exercise of the powers conferred by Section 16 of the **Citizenship Act, 1955** (57 of 1955), the Central Government hereby directs that powers exercisable by it, for registration as a citizen of India under Section 5 or for grant of certificate of naturalisation under Section 6 of the Citizenship Act, 1955, in respect of any person belonging to minority community in Afghanistan, Bangladesh and Pakistan, namely, Hindus, Sikhs, Buddhists, Jains, Parsis and Christians (herein this Order referred to as “the applicant”), residing in the States of Chhattisgarh, Gujarat, Madhya Pradesh, Maharashtra, Rajasthan, Uttar Pradesh and Union Territory of Delhi, shall also be exercisable by—

- (a) the Collector, within whose jurisdiction the applicant is ordinarily resident, in relation to the districts of—
 - (i) Raipur in the State of Chhattisgarh;
 - (ii) Ahmedabad, Gandhinagar and Kutch in the State of Gujarat;
 - (iii) Bhopal and Indore in the State of Madhya Pradesh;
 - (iv) Nagpur, Mumbai, Pune and Thane in the State of Maharashtra;
 - (v) Jodhpur, Jaisalmer and Jaipur in the State of Rajasthan;
 - (vi) Lucknow in the State of Uttar Pradesh; and
 - (vii) West Delhi and South Delhi in the Union Territory of Delhi; and
- (b) the Secretary of the Department of Home of the State or the Union territory, as the case may be, within whose jurisdiction the applicant is ordinarily resident, in relation to districts not covered under clause (a), in accordance with the provisions of the Citizenship Rules, 2009 (hereinafter referred to as the said rules), subject to the following conditions, namely—

- (A) the application for registration as citizen of India or grant of certificate of naturalisation as citizen of India under the said rules is made by the applicant online;
- (B) the verification of the application is done simultaneously by the Collector or the Secretary, as the case may be, at the district level and the State level and the application and the reports thereon shall be made accessible simultaneously to the Central Government on online portal;
- (C) the Collector or the Secretary, as the case may be, makes such inquiry as he considers necessary for ascertaining the suitability of the applicant and for that purpose forwards the application online to such agencies for verification and comments as may be required for completing such an inquiry and the instructions issued by the Central Government from time to time in this regard shall be strictly complied with by the State or Union Territory and District concerned;
- (D) the comments of the agencies referred to in clause (C) are uploaded online by such agencies and accessible to the Collector or the Secretary, as the case may be, and the Central Government;
- (E) the Collector or the Secretary, as the case may be, on being satisfied with the suitability of the applicant, grants him/her the citizenship of India by registration or naturalisation and issue a certificate of registration or naturalisation, as the case may be, duly printed from online portal and signed by the Collector or the Secretary, as the case may be, in the Form as prescribed in the said rules; and
- (F) the Collector and the Secretary shall maintain an online/digital as well as physical register, in accordance with the said rules, containing the details of persons so registered or naturalised as a citizen of India and furnish a copy thereof to the Central Government within seven days of such registration or naturalisation.

2. This Order shall come into force with effect from the 22nd December, 2018 and shall remain in force until further order.

(4)

*Ministry of Home Affairs, Noti. No. S.O. 2069(E), dated May 28, 2021,
published in the Gazette of India, Extra., Part II, Section 3(ii),
dated 28th May, 2021, pp. 2-3, No. 1924*

In exercise of the powers conferred by Section 16 of the **Citizenship Act, 1955** (57 of 1955), the Central Government hereby directs that powers exercisable by it, for registration as a citizen of India under Section 5, or for grant of certificate of naturalisation under Section 6, of the Citizenship Act, 1955, in respect of any person belonging to minority community in Afghanistan, Bangladesh and Pakistan, namely, Hindus, Sikhs, Buddhists, Jains, Parsis and Christians (hereinafter referred to as "the applicant"), residing in the districts mentioned in clause (a) below and the States mentioned in clause (b) below, shall also be exercisable by —

- (a) the Collector, within whose jurisdiction the applicant is ordinarily resident, in relation to the Districts of—
 - (i) Morbi, Rajkot, Patan and Vadodara in the State of Gujarat ;
 - (ii) Durg and Balodabazar in the State of Chhattisgarh ;
 - (iii) Jalore, Udaipur, Pali, Barmer and Sirohi in the State of Rajasthan ;
 - (iv) Faridabad in the State of Haryana ; and
 - (v) Jalandhar in the State of Punjab ;
- (b) the Secretary of the Department of Home of the States of Haryana and Punjab within whose jurisdiction the applicant is ordinarily resident, except the District of Faridabad in Haryana and the District of Jalandhar in Punjab, in accordance with the provisions of the

Citizenship Rules, 2009 (hereinafter referred to as the said rules), subject to following conditions, namely—

- (A) the application for registration as citizen of India or grant of certificate of naturalisation as citizen of India under the said rules shall be made by the applicant online;
- (B) the verification of the application is done simultaneously by the Collector or the Secretary, as the case may be, at the District level and the State level and the application and the reports thereon shall be made accessible simultaneously to the Central Government on online portal;
- (C) the Collector or the Secretary, as the case may be, makes such inquiry as he considers necessary for ascertaining the suitability of the applicant and for that purpose forwards the application online to such agencies for verification and comments as may be required for completing such an inquiry and the instructions issued by the Central Government from time to time in this regard shall be strictly complied with by the State or Union territory and District concerned ;
- (D) the comments of the agencies referred to in clause (C) are uploaded online by such agencies and accessible to the Collector or the Secretary, as the case may be, and the Central Government;
- (E) the Collector or the Secretary, as the case may be, on being satisfied with the suitability of the applicant, grants him the citizenship of India by registration or naturalisation and issues a certificate of registration or naturalisation, as the case may be, duly printed from online portal and signed by the Collector or the Secretary, as the case may be, in the Form as prescribed in the said rules; and
- (F) the Collector and the Secretary shall maintain an online as well as physical register, in accordance with the said rules, containing the details of the person so registered or naturalised as a citizen of India and furnish a copy thereof to the Central Government within seven days of such registration or naturalisation.

2. This Order shall come into force on the date of its publication in the official Gazette and shall remain valid until further orders.

(5)

*Ministry of Home Affairs, Noti. No. S.O. 3330(E), dated July 22, 2022,
published in the Gazette of India, Extra., Part II, Section 3(ii),
dated 22nd July, 2022, p. 2, No. 3169*

In exercise of the powers conferred by Section 16 of the **Citizenship Act, 1955** (57 of 1955), the Central Government hereby directs that the powers exercisable by it under sub-section (2) of Section 9 of the Act read with Rule 40 of the Citizenship Rules, 2009, shall be exercisable by the District Collector, North Goa and District Collector, South Goa for the purpose of inquiring into the issue of acquisition of citizenship of another country by residents of the State of Goa and make appropriate recommendations to the Central Government through the State Government in accordance with the procedure specified in Schedule III of the said rules, subject to the following conditions, namely—

- (a) the application and objection shall be invited after due publicity by the District Collector;
- (b) the inquiry shall be conducted in fair and transparent manner keeping in mind the provisions contained in the Act and the Citizenship Rules, 2009;
- (c) after inquiry, the District Collector shall make recommendations to the Central Government giving details of each case.

2. This Order shall remain in force for a period of two years from the date of publication of this notification.