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The Citizenship Act, 1955

(57 of 1955)

as amended by

THE CITIZENSHIP (AMENDMENT ACT, 2003

(6 of 2004)

along with

- THE CITIZENSHIP RULES, 1956
- THE CITIZENSHIP (REGISTRATION OF CITIZENS
AND ISSUE OF NATIONAL IDENTITY CARDS)
RULES, 2003

BARE ACT

WITH SHORT NOTES

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THE CITIZENSHIP (AMENDMENT) ACT, 2003

(6 of 2004)

[7th January, 2004]

An Act further to amend the Citizenship Act, 1955.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:

1. Short title and commencement.- (1) This Act may be called the Citizenship (Amendment) Act, 2003.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the commencement of that provision.

2. Amendment of section 2.- (1) In section 2 of the Citizenship Act, 1955 (57 of 1955) (hereinafter referred to as the principal Act), in sub-section (1),

(i) for clauses (b) and (c) and the proviso to clause (c), the following clause shall be substituted, namely:

(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;

(ii) after clause (e), the following clause shall be inserted, namely:

'(ee) "overseas citizen of India" means a person who

(i) is of Indian origin being a citizen of a specified country, or

(ii) was a citizen of India immediately before becoming a citizen of a specified country, and is registered as an overseas citizen of India by the Central Government under sub-section (1) of section 7 A;';

(iii) after clause (g), the following clause shall be inserted, namely:

'(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;'

3. Substitution of new section for section 3.- For section 3 of the principal Act, the following section shall be substituted, namely:

J/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;
- (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
 - (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. Amendment of section 4.- (1) In section 4 of the principal Act, for sub-section (1), the following sub-sections shall be substituted, namely:

"(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 his 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."

5. Amendment of section 5.-In s_ction 5 of the principal Act,

(a) for sub-section (1), the following shall be substituted, namely:

"(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 are ordinarily resident in India for seven years before making an application for registration;

(b) a person of Indian origin who 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 or sub-section (1) of section 6;

(f) a person of full age and capacity who, or either of his parents, was earlier citizen of independent India, and has been residing in India for one year immediately before making an application for registration;

(g) a person of full age and capacity who has been registered as an overseas citizen of India for five years, and who has been residing in India for two years 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.";

(b) after sub-section (5), the following sub-section shall be inserted, namely:

"(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."

6. Amendment of section 6.-In section 6 of the principal Act, in sub-section (1), for the words "who is not a citizen of a country specified in the First Schedule", the words "not being an illegal migrant" shall be substituted.

7. Insertion of heading and new sections 7 A, 7B, 7C and 7D.-After section 7 of the principal Act, the following heading and sections shall be inserted, namely:

'OVERSEAS CITIZENSHIP

7 A. Registration of overseas citizens.-

(1) The Central Government may, subject to such conditions and restrictions including the condition of reciprocity as may be prescribed, on an application made in this behalf, register any person as an overseas citizen of India if

(a) that person is of Indian origin of full age and capacity who is a citizen of a specified country; or

(b) that person is of full age and capacity who has obtained the citizenship of a specified country on or after the commencement of the Citizenship (Amendment) Act, 2003 and who was a citizen of India immediately before such commencement; or

(c) that person is a minor of a person mentioned in clause (a) or clause (b).

(2) The person registered as an overseas citizen of India under sub-section (1) shall be an overseas citizen of India as from the date on which he is so registered.

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

*Explanation.-*For the purposes of this section and sections 7B, 7C and 7D, the expression "person of Indian origin" shall mean a citizen of another country who

(i) was eligible to become a citizen of India at the time of the commencement of the Constitution;

(ii) belonged to a territory that became part of India after the 15th day of August, 1947; and

(iii) the children and grand-children of a person covered under clauses (i) and (ii), but does not include a person who is or had been at any time a citizen of Pakistan, Bangladesh or such other country as the Central Government may, by notification in the Official Gazette, specify.

7B. 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;
- (h) under sections 5, 5A 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.

7C. 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.

7D. 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.!

8. Amendment of section 8.- (1) In section 8 of the principal Act,

(a) in sub-section (1), the words "who is also a citizen or national of another country" shall be omitted;

(b) in the proviso to sub-section (2), after the word "declaration", the words "in the prescribed form and manner" shall be inserted;

(c) sub-section (3) shall be omitted.

9. Amendment of section 9.- (1) In section 9 of the principal Act, in sub-section (2), for the word "person", the words "citizens of India" shall be substituted.

10. Omission of sections 11 and 12.- Sections 11 and 12 of the principal Act shall be omitted.

11. Amendment of section 14.- In section 14 of the principal Act, for the words and figures "sections 5 and 6", the words, figures and letter "sections 5, 6 and 7A" shall be substituted.

12. Insertion of new section 14A.- After section 14 of the principal Act, the following section shall be inserted, namely:

"14A. 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 subsection (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.",

13. Insertion of new section 15A.- After section 15 of the principal Act, the following section shall be inserted, namely:

15A. 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 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 14A shall be disposed of in the manner provided for in the procedure as may be laid down under clause (ia) of subsection (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",

14. Amendment of section 17.- (1) In section 17 of the principal Act,

- (a) for the words "six months", the words "five years" shall be substituted;
- (b) for the words "with fine", the words "with fine which may extend to fifty thousand rupees" shall be substituted.

15. Amendment of section 18.-In section 18 of the principal Act,

- (i) in sub-section (2),--
 - (a) after clause (a), the following clause shall be inserted, namely:

"(aa) the form and manner in which a declaration under sub-section (1) of section 4 shall be made;"

- (b) after clause (i), the following clause shall be inserted, namely:

"(ia) the procedure to be followed in compulsory registration of the citizens of India under sub-section (5) of section 14A;"

- (ii) in sub-section (3), the following proviso shall be inserted, namely:

"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."

16. Omission of First Schedule.- The First Schedule to the principal Act shall be omitted.

17. Substitution of Second Schedule by a new Schedule.-For the Second Schedule to the principal Act, the following Schedule shall be substituted, namely:

"THE 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."

18. Amendment of Third Schedule.-In the Third Schedule to the principal Act,

(A) in the opening portion, the words "who is not a citizen of a country specified in the First Schedule" shall be omitted;

- (B) in clause (b), for the words "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", the words "he undertakes to renounce the citizenship of that country in the event of his application for Indian citizenship being accepted" shall be substituted;

(c) in clause (d),--

- (i) for the words "twelve years", the words "fourteen years" shall be substituted;
- (ii) for the words "nine years", the words "eleven years" shall be substituted;

(D) in the proviso, in clause (ii), for the words "thirteen years", the words "fifteen years" shall be substituted.

19. Insertion of new Fourth Schedule.-After the Third Schedule to the principal Act, the following Schedule shall be inserted, namely:

"THE 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."

THE CITIZENSHIP ACT, 1955

INTRODUCTION

On twenty-sixth day of November, 1949 the Constituent Assembly adopted and enacted the Constitution of India. Part II of the Constitution relates to Citizenship of India. Articles 5 to 9 of the Constitution determine who are Indian citizens at the commencement of the Constitution. Article 10 provides for their continuance as such citizens subject to the provisions of any law that may be made by Parliament. Article 12 provides that nothing in the provisions of Part II of the Constitution shall derogate from the power of Parliament to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship. There being no law in existence with respect to the acquisition and termination of citizenship it was necessary to make such a law to supplement the provisions of the Constitution. To achieve this object the Citizenship Bill was introduced in the Parliament.

STATEMENT OF OBJECTS AND REASONS

Articles 5 to 9 of the Constitution determine who are Indian citizens at the commencement of the Constitution and article 10 provides for their continuance as such citizens subject to the provisions of any law that may be made by Parliament. The Constitution does not, however, make any provision with respect to the acquisition of citizenship after its commencement or the termination of citizenship or other matters relating to citizenship. Under article 11, the Constitution expressly saves the power of Parliament to make a law to provide for such matters. It is obviously necessary to make such a law to supplement the provisions of the Constitution and this Bill seeks to achieve this object.

This Bill provides for the acquisition of citizenship, after the commencement of the Constitution, by birth, descent, registration, naturalisation and incorporation of territory. It also makes necessary provisions for the termination and deprivation of citizenship under certain circumstances. The Bill also seeks to formally recognize Commonwealth citizenship and permit the Central Government to extend on a reciprocal basis such rights of an Indian citizen as may be agreed upon to the citizens of other Commonwealth countries and the Republic of Ireland.

The notes on clauses appended to the Bill explain some of the important provisions thereof.

ACT 57 OF 1955

The Citizenship Bill having been passed by both the Houses of Parliament received the assent of the President on 30th December, 1955. It came on the Statute Book as THE CITIZENSHIP ACT, 1955 (57 of 1955).

LIST OF AMENDING ACTS

1. The Citizenship (Amendment) Act, 1957 (65 of 1957).
2. The Repealing and Amending Act, 1960 (58 of 1960).
3. The Delegated Legislation Provisions (Amendment) Act, 1985 (4 of 1986).
4. The Citizenship (Amendment) Act, 1985 (65 of 1985).
5. The Citizenship (Amendment) Act, 1986 (51 of 1986).

6. The Citizenship (Amendment) Act, 1992 (39 of 1992).

7. The Citizenship (Amendment) Act, 2003 (6 of 2004).

THE CITIZENSHIP ACT, 1955

(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:

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;

1[(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;]

(c) "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[(ee) "overseas citizen of India" means a person who-

(i) is of Indian origin being a citizen of a specified country, or

(ii) was a citizen of India immediately before becoming a citizen of a specified country,

and is registered as an overseas citizen of India by the Central Government under sub-section (1) of section 7 A;]

(f) "person" does not include any company or association or body of individuals, whether incorporated or not;

(g) "prescribed" means prescribed by rules made under this Act;

2[(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:

1. Subs. by Act 6 of 2004, sec. 2, for clauses (b) and (c) and the proviso to clause (c). (*See Annexe*).

2. 2. Ins. by Act 6 of 2004, sec. 2.

[Sec.

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;]

(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.

COMMENTS

(i) The Citizenship Act and the Constitution are completely exhaustive of the citizenship of this country and these citizens can only be natural persons, the fact that corporations may be nationals of the country for purposes of International laws will not make them citizens of this country for purposes of Municipal Law or the Constitution; *State Trading Corporation of India v. Commercial Tax Officer*, AIR 1963 SC 1811.

(ii) Nationality and Citizenship are not interchangeable terms; *State Trading Corporation of India v. Commercial Tax Officer*, AIR 1963 SC 1811.

(iii) "Citizenship" has nothing to do with a juristic person. "Person" means a natural person and not any legal entity; *State Trading Corporation of India v. Commercial Tax Officer*, AIR 1963 SC 1811.

ACQUISITION OF CITIZENSHIP

¹[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;

(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

Sec. 4]

¹ Subs. by Act 6 of 2004, sec. 3, for section 3. (See Annexe).

(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.-[(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

1. Subs. by Act 6 of 2004, sec. 4, for sub-section (1). (See Annexe).

(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.

(1A) A minor who is a citizen of India by virtue of his 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), 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.-2[(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 are 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 or sub-section (1) of section 6;
- (f) a person of full age and capacity who, or either of his parents, was earlier citizen of independent India, and has been residing in India for one year immediately before making an application for registration;
- (g) a person of full age and capacity who has been registered as an overseas citizen of India for five years, and who has been residing in India for two years 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 --

1. Subs. by Act 39 of 1992, sec. 2, for "any male person" (w.eJ. 10-12-1992). 2. Subs. by Act 6 of 2004, sec. 5, for sub-section (1). (See Annexe).

- (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.]

(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.

1[(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.]

COMMENTS

If a person satisfies the requirements of this section, he/she can be registered as a citizen of India. This section can be invoked by persons who are not citizens of India but are seeking citizenship by registration; *National Human Rights Commission v. State of Arunachal Pradesh*, AIR 1996 se 1234: (1996) 1 see 742

6. Citizenship 'by naturalisation'-(1) Where an application is made in the prescribed manner by any person of full age and capacity 2[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,

1. Ins. by Act 6 of 2004, sec. 5.

2. Subs. by Act 6 of 2004, sec. 6, for "who is not a citizen of a country specified in the First Schedule.

philosophy, art, literature, world peace or human progress generally, it may waive all or any of the conditions specified in the Third Schedule.

(2) The person to whom a certificate of naturalisation is granted under subsection (1)- shall, on taking the oath of allegianc_ 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.

1[6A. Special provisions as to citizenship of persons covered by the Assam Accord.- (I) 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 for 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

L Ins. by Act 65 of 1985, sec.'2 (w.e.f. 7-12-1985).

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 subsection, 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, for year 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 the Citizenship (Amendment) Act, 1985, for year 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 subsection 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, for year is a citizen of India;

(b) who was expelled from India before the commencement of the Citizenship (Amendment) Act, 1985, for year under the Foreigners Act, 1946 (31 of 1946).

(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.]

COMMENTS

Under sub-section (2) of section 6A two conditions are required to be satisfied-(i) persons who are of Indian origin (undivided India) came before 1-1-1966 to Assam from the specified territory, and (ii) have been "ordinarily resident" in Assam as it existed in 1985 since the date of entry in Assam; *State of Arunachal Pradesh v. Khudiram Chakma*, AIR 1994 SC 1961.

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.

[OVERSEAS CITIZENSHIP]

7 A. Registration of overseas citizens.- (1) The Central Government may, subject to such conditions and restrictions including the condition of reciprocity as may be prescribed, on an application made in this behalf, register any person as an overseas citizen of India if

(a) that person is of Indian origin of full age and capacity who is a citizen of a specified country; or

(b) that person is of full age and capacity who has obtained the citizenship of a specified country on or after the commencement of the Citizenship (Amendment) Act, 2003 and who was a citizen of India immediately before such commencement; or

(c) that person is a minor of a person mentioned in clause (a) or clause (b).

(2) The person registered as an overseas citizen of India under sub-section (1) shall be an overseas citizen of India as from the date on which he is so registered.

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

*Explanation.-*For the purposes of this section and sections 7B, 7C and 7D, the expression "person of Indian origin" shall mean a citizen of another country who--

1. Ins. by Act 6 of 2004, sec. 7.

- (i) was eligible to become a citizen of India at the time of the commencement of the Constitution;
- (ii) belonged to a territory that became part of India after the 15th day of August, 1947; and
- (iii) the children and grand-children of a person covered under clauses (i) and (ii), but does not include a person who is or had been at any time a citizen of Pakistan, Bangladesh or such other country as the Central Government may, by notification in the Official Gazette, specify.

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;
- (h) under sections 5, 5A 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.

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.

7D. 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.]

TERMINATION OF CITIZENSHIP

8. Renunciation of citizenship.- (1) If any citizen of India of full age and capacity, 1[***] 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 2[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 3[in the prescribed form and manner] that he wishes to resume Indian citizenship and shall thereupon again become a citizen of India.

4[***]

COMMENTS

A person who gives up his claim to Indian citizenship cannot claim right of residence on the basis of his domicile; *A.H. Magermans v. S.K. Chose*, AIR 1966'Cal 552.

1. The words "who is also a citizen or national of another country", omitted by Act 6 of 2004, sec. 8.

2. Subs. by Act 39 of 1992, sec. 3, for "a male person" (w.e.f. 10-12-1987).

3. Ins. by Act 6 of 2004, sec. 8.

4. Sub-section (3) omitted by Act 6 of 2004, sec. 8. (*See Annexe*).

9. Termination of citizenship.-(1) Any citizen of India who by naturalisation, registration 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 [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.

COMMENTS

Section 9 is a complete code as regards the termination of Indian citizenship on the acquisition of the citizenship of a foreign country; *Bhagwati Prasad Dixit 'Ghorewala' v. Rajeev Gandhi*, AIR 1986 SC 1534.

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 that 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) that 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.

1. Subs. by Act 6 of 2004, sec. 9, for "person".

(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.

COMMENTS

Certificate of Registration cannot be cancelled unless fraud, false, representation or suppression of material fact exists; *Fazal Dad v. State of Madhya Pradesh*, AIR 1964 MP 272.

SUPPLEMENTAL

11. Commonwealth citizenship.-[Rep. by the *Citizenship (Amendment) Act, 2003 (6 of 2004)*, sec. 10.]

12. Power to confer rights of Indian citizen or citizens of certain countries.-[Rep. by the *Citizenship (Amendment) Act, 2003 (6 of 2004)*, sec. 10.]

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 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 I[sections 5, 6 and 7A].-(1) The prescribed authority or the Central Government may, in its discretion, grant or refuse an application under 2[section 5, 6 or section 7 A] and shall not be required to assign any reasons for such grant or refusal.

1. Subs. by Act 6 of 2004, sec. 11, for "sections 5 and 6".

2. Subs. by Act 6 of 2004, sec. 11, for "section 5 or section 6". Ed. section 11 of the Act 6 of 2004, states that for the words and figures "sections 5 and 6", the words, figures and letter "sections 5, 6 and 7 A" shall be substituted. The words "sections 5 and 6" appear in the heading and not in the body, but in the body the text has been changed according to its construction.

(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.

[14A. 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.

(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 of the Central Government shall be final.

[15A. 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 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 14A 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]

1. Ins. by Act 6 of 2004, sec. 12.

2. Ins. by Act 6 of 2004, sec. 13.

[Sec. 16

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 1[five years], or 2[with fine which may extend to fifty thousand rupees], or with both.

18. Power to make rules.-(I) 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;

3[(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;

4[(ee) the manner and form in which and the authority to whom declarations referred to in clauses (a) and (b) of sub-section (b) of section 6A shall be submitted and other matters connected with such declarations;]

(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;

1. Subs. by Act 6 of 2004, sec. 14, for "six months".

2. Subs. by Act 6 of 2004, sec. 14, for "with fine".

3. Ins. by Act 6 of 2004, sec. 15.

4. Ins. by Act 65 of 1985, sec. 3 (w.e.f. 7-12-1985).

(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 court;

[(ia) the procedure to be followed in compulsory registration of the citizens of India under sub-section (5) of section 14A;]

G) 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.

(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:

2[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.]

3[(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.]

19. Repeals.-[Repealed by the Repealing and Amending Act, 1960 (Act 58 of 1960), sec. 2 and the First Schedule (woef 26-10-1960).]

4[***]

5[THE SECOND SCHEDULE [See sections 5(2) and 6(2)] **OATH OF ALLEGIANCE**

I, A/Bdo 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.]

1. Ins. by Act 65 of 1985, sec. 3 (w.eJ. 7-12-1985).

2. Ins. by Act 6 of 2004, sec. 15.

3. Subs. by Act 4 of 1986, sec. 2 and Sch. (w.eJo 15-5-1986).

4. The First Schedule omitted by Act 6 of 2004, sec. 16. (See Annexe).

5. Subs. by Act 6 of 2004, sec. 17, for the Second Schedule. (See Annexe).

*THE THIRD SCHEDULE**[See section 6(1)]*

QUALIFICATIONS FOR NATURALISATION

The qualifications for naturalisation of a person 1[***] 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, 2[he undertakes to renounce the citizenship of that country in the event of his application for Indian citizenship being accepted];
- (c) that he has either resided in India or been in the service of a Government in India or partly the one and partly the other, throughout the period of twelve months immediately preceding the date of the application;
- (d) that during the 3[fourteen years] immediately preceding the said period of twelve months, he has either resided in India or been in the service of a Government in India, or partly the one and partly the other, for periods amounting in the aggregate to not less than 4[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 5[fifteen years] before the date of the application to be reckoned in computing the aggregate mentioned in clause (d) above.

1. The words "who is not a citizen of a country specified in the First Schedule" omitted by Act 6 of 2004, sec. 18.

2. Subs. by Act 6 of 2004, sec. 18, 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".

3. Subs. by Act 6 of 2004, sec. 18, for "twelve years".

4. Subs. by Act 6 of 2004, sec. 18, for "nine years".

5. Subs. by Act 6 of 2004, sec. 18, for "thirteen years".

Sch.4]

[[THE *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.]

1. Ins. by Act 6 of 2004, sec. 19.

THE CITIZENSHIP RULES, 1956¹

In exercise of the powers conferred by section 18 of the Citizenship Act, 1955 (57 of 1955), the Central Government hereby makes the following rules, namely:

PART I PRELIMINARY

1. Short title and commencement.- (1) These rules may be called the Citizenship Rules, 1956.
(2) They shall come into force at once.
2. Definitions.- In these rules, unless the context otherwise requires,
 - (a) the " Act" means the Citizenship Act, 1955 (57 of 1955);
 - 2[(aa) the "Central Government" means any officer not below the rank of a Deputy Secretary to the Government of India in the Ministry of Home Affairs or its equivalent;]
 - (b) "Collector" means 3[***] the chief officer-in-charge of the revenue administration of a district, and includes such other officer as the Central Government may, by notification in the Official Gazette, appoint to perform the functions of the Collector under these Rules in respect of any area;
 - (c) "Form" means a Form in Schedule I;
 - (d) "Schedule" means a Schedule to these rules;
 - 4[(e) "Secretary" means the Secretary, Special Secretary, an Additional Secretary or a Joint Secretary to the Government of India in the Ministry of Home Affairs;]
 - (f) "section" means a section of the Act.

PART II CITIZENSHIP OF INDIA BY REGISTRATION

3. Form of application for registration under section 5(1)(a).- (1) An application for registration as a citizen of India made under section 5(1)(a) shall be in Form I 2[and shall be accompanied by an undertaking in writing that he/ she will renounce the citizenship of his/her country in the event of his/her application being sanctioned.]

5[(2) The oath of allegiance specified in the Second Schedule to the Act shall be affirmed (or sworn), subscribed and attested before registration.]

2[(3) No application under sub-rule (1) shall lie unless the applicant was ordinarily resident in India for a period of five years immediately before the date of his application.]

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1. *Vide* S.R.O. 1574, dated 7th July, 1956, published in Gazette of India, Extra., Pt. II, Sec. 3 (i), dated 7th July, 1956.
 2. Ins. by G.S.R 344 (E), dated 20th April, 2000 (w.e.f. 20-4-2000).
 3. Omitted by G.S.R 344 (E), dated 20th April, 2000 (w.e.f. 20-4-2000).
 4. Subs. by G.S.R 383 (E), dated 4th June, 1981.
 5. Ins. by S.R.O. 1574, dated 19th December, 1969.

4. Form of application for registration under section 5(1)(c).- (1) An application by a I[person] for registration as citizen of India made under section 5(1)(c) shall be in Form II and shall be

accompanied by 2[an undertaking in writing that he/she will renounce the citizenship of his/her country in the event of his/her application being sanctioned.]

3[(2) The oath of allegiance specified in the Second Schedule to the Act shall be affirmed (or sworn), subscribed and attested before registration.]

(3) An application under sub-rule (1) shall not lie unless for 1[five years] immediately before the date of application, the applicant

2[(a) has been ordinarily resident in India; or]

(b) has been in the service of a Government of India.

Explanation.-In computing the period of 1[five years], broken periods of residence and service under clauses (a) and (b) may be taken into account.

(4) Notwithstanding anything contained in sub-rule (3) in the case of a woman married to a person in the service of a Government in India, the Central Government may, if in the special circumstances of the case it thinks fit, 2[exempt such woman] from the operation of that sub-rule.

(5) Notwithstanding anything contained in sub-rule (3), in the case of a woman who has been married to an Indian citizen for not less than five years, whose marriage is still subsisting and who has visited India at least once, the Central Government may, if in the special circumstances it thinks fit, 2[exempt such woman] from the operation of that sub-rule.

5. Form of application for registration under section 5(1)(d).-An application for the registration of a minor child of a citizen of India as a citizen thereof made under section 5(1)(d) shall be in Form III and shall include the following particulars, that is to say

(a) a statement whether the applicant is a parent or guardian of the child, and, if he is a guardian, how he became a guardian;

(b) a statement showing that each of the parents of the child is, or, if deceased, was at the time of death, a citizen of India;

(c) a statement of the reasons for which it is desired that the child should be registered as a citizen of India.

6. Form of application for registration under section 5(4).-An application for the registration of a minor child as a citizen of India made under section 5(4) shall be in Form IV 2[and shall include the following particulars:

(a) a statement whether the applicant is a parent or guardian of the child and if he is a guardian, how he became the guardian;

(b) a statement showing whether the child was adopted by the applicant and if so, documentary evidence to this effect;

(c) a statement of the reasons for which it is desired that the child should be registered as a citizen of India.]

1. Subs. by G.S.R. 392 (E), dated 13th April, 1987.

2. Subs. by G.S.R. 344 (E), dated 20th April, 2000 (w.e.f. 20-4-2000).

3. Subs. by G.S.R. 383 (E), dated 4th June, 1981.

7. Authority to which application is to be made.-An application for registration shall be made to the Collector within whose jurisdiction the applicant is ordinarily resident.

[On receipt of the application the Collector or any other officer authorised on his behalf shall issue an acknowledgement in Form IA.]

2[8. Authority to Register as Citizens.-The authority to register a person as a citizen of India under clauses (a), (c), (d) and (e) of sub-section (1) of section 5 of the Act shall be any officer not below the rank of a Deputy Secretary to the Government of India in the Ministry of Home Affairs and also includes such officer as the Central Government may, by notification in the Official Gazette, appoint 3[***].]

4[9. Collector to transmit all applications to Central Government with a report.-The Collector shall transmit every application under section 5 (1)(a), (c), (d) and (e) received by him to the State Government or the Union Territory Administration, as the case may be, within one hundred and twenty days from the date of its receipt, alongwith a report as to whether the applicant

- (a) satisfies all the conditions laid down in the relevant clauses of section 5 of the Act;
- (b) has an intention to make India his permanent home;
- (c) has signed the oath of allegiance specified in the Second Schedule of the Act; and
- (d) is of good character and is otherwise a fit and proper person to be registered as a citizen of India.

(2) The State Government or the Union Territory Administration, as the case may be, shall forward the application alongwith its recommendation the report of the Collector, to the Central Government within a period of sixty days from the date of receipt of the report of the Collector.

(3) If for some reasons, the Collector or the State Government or the Union Territory administration, as the case may be, is unable to forward the application within the period specified in sub-rule (1) or (2), the same may be forwarded to the State Government or the Union Territory Administration or the Central Government, as the case may be, after the specified period alongwith the reasons for delay.

(4) The applications pending with the Collector or the State Government or the Union Territory Administration, as the case may be, shall be dealt with in the manner prescribed in sub-rules (1) and (2) above.

(5) If the application is not forwarded by the Collector or the State Government or the Union Territory Administration, as the case may be, to the Central Government within a period of one hundred and eighty days from the date of receipt of the application, the applicant may represent to the Central

1. Ins. by G.S.R. 141 (E), dated 19th March, 1998.
2. Subs. by G.S.R. 567 (E), dated 1st April, 1986 and again subs. by G.S.R. 18 (E), dated 7th January, 1987.
3. Omitted by G.S.R. 344 (E), dated 20th April, 2000 (w.eJ. 20-4-2000).
4. Subs. by G.S.R. 141 (E), dated 19th March, 1998.

. Government in the Ministry of Home Affairs. Applicant shall enclose a copy of the acknowledgement issued by the office of the Collector. The Central Government on receipt of such representation may take up the matter with the State Government to expedite its recommendation on the application for grant of Citizenship.]

10. Certificate of registration to be granted to persons registered. - (I) Every person who is registered as a citizen of India under section 5(I)(a) or section 5(I)(b) shall be issued a certificate of registration in Form V I[duly signed by an officer not below the rank of Under Secretary to the Government of India].

(2) Every person who is registered as a citizen of India under section 5(I)(c) of section 5(4) shall be issued a certificate of registration in Form VII[duly signed by an officer not below the rank of Under Secretary to the Government of India].

(3) When a certificate of citizenship is issued under sub-rule (1) or sub-rule (2), a duplicate copy thereof shall be prepared and preserved for record by the issuing authority.

11. Register of persons registered under section 5(I)(a).- There shall be kept by the Central Government in the Ministry of Home Affairs,--

(a) a register containing the names of minor children registered as citizens of India under section 5(I)(d), in Form VIII-PART I;

(b) a register containing the names of persons whose applications for registration as citizens of India under section 5(I)(a) have been rejected in Form VII-PART II;

(c) a register containing the names of the minor children whose applications for registration as citizens of India under section 5(I)(d) have been rejected, in Form VIII-PART II.

12. Register of persons registered under section 5(1)(c) and 5(4).- There shall be kept by the Central Government in the Ministry of Home Affairs,

(a) a register containing the names of the 2[persons] registered as citizens of India under section 5(I)(c) in Form IX;

(b) a register containing the names of the children registered as citizens of India under section 5(4) in Form X.

13. Manner of making entries in register.-All entries made in the registers kept under rule 11 and rule 12 shall be numbered consecutively, and each entry shall relate to one person only.

3[***]

15. Maintenance of register and connected papers.-(I) Every entry made in the register kept under rules 11 and 12, shall be authenticated after a person is registered as a citizen of India.

(2) The registers and all papers connected with every application shall be preserved for permanent record.

1. Ins. by G.S.R. 344 (E), dated 20th April, 2000 (w.e.f. 20-4-2000).

2. Subs. by G.S.R. 392 (E), dated 13th April, 1987.

3. Rule 14 omitted by G.S.R. 567 (E), dated 1st April, 1986.

1[***]

16A. Registration of citizens of Singapore under section 5(1)(e).-An application by a citizen of

Singapore for registration as a citizen of India under section 5(1)(e) shall be in Form XIX.

2[(2) The oath of allegiance in the form specified in the Second Schedule to the Act shall be affirmed (or sworn) subscribed and attested before registration.]

- (3) An application under sub-rule (1) shall not lie unless the applicant
- (a) is of full age and capacity;
 - (b) is of good character;
 - (c) has resided in India throughout the twelve months immediately preceding the date of his application;
 - (d) has during the twelve years immediately preceding the date of his application resided in India for periods amounting in the aggregate to not less than eight years; and
 - (e) intends to reside permanently in India.

16B. Certificate of registration to be granted to persons registered and register of persons registered under section 5(1)(e).-(1) Every person who is registered as a citizen of India under section 5(1)(e) shall be issued a certificate of registration in Form XX. When such a certificate is issued a duplicate copy thereof shall be prepared and preserved for record by the issuing authority.

(2) There shall be kept by the Central Government in the Ministry of Home Affairs, a register containing the names of the persons registered as citizens of India under section 5(1)(e) in Form XXI.

16c. Registration of citizens of Canada under section 5(1)(e).-(1) An application by a citizen of Canada for registration as a citizen of India under section 5(1)(e) shall be in Form XXII.

- (2) An application under sub-rule (1) shall not lie, unless the applicant
- (a) is of full age and capacity;
 - (b) has either resided in India or has 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;
 - (c) has during the seven years immediately preceding the said period of twelve months resided in India or been in the service of a Government in India, or partly the one and partly the other, for period amounting in the aggregate to not less than four years;
 - (d) has an adequate knowledge of a language specified in the Eighth Schedule to the Constitution;
 - (e) is of good character; and
 - (f) has an intention to make India his permanent home:

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1. Rule 16 omitted by G.5.R. 567 (E), dated 1st April, 1986.
 2. Subs. by G.S.R. 383 (E), dated 4th June, 1981.

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 purpose of clause (b) above, as if it had immediately preceded that date;

(ii) allow periods of residence or service earlier than eight years before the date of the application to be reckoned in computing the aggregate mentioned in clause (c) above.]

1[16D. Reference to Tribunals.-Where, in the case of a person seeking registration under sub-section (3) of section 6A of the Act,

(a) any question arises as to whether such person complies with any requirement contained in the said sub-section, or

(b) the opinion of the Tribunal constituted under the Foreigners (Tribunals) Order, 1964 in relation to such person does not contain a finding with respect to any requirement contained in the said subsection other than the question that he is a foreigner, the registering authority shall, within fifteen days of receipt of an application in Form XXIII from such person, make a fresh reference to the Tribunal in this regard.]

1[16E. Jurisdiction of the Tribunal.-A Tribunal constituted under the Foreigners (Tribunals) Order, 1964 having jurisdiction over a district or part thereof in State of Assam shall exercise jurisdiction to decide references, received from the registering authority of that district in relation to all references made under sub-section (3) of section 6A of the Act in respect of the corresponding area covered by the Tribunal.]

1[16F. The registering authority for the purpose of section 6A(3) and form of application for registration.-(1) The registering authority, for the purpose of sub-section (3) of section 6A of the Act shall be such officer as may be appointed for each district of Assam by the Central Government.

(2) An application for registration under sub-section (3) of section 6A of the Act shall be filed in Form XXIII by the person with the registering authority for the district in which he is ordinarily resident,

(a) within thirty days from the date of his detection as a foreigner, where such detection takes place after the commencement of the Citizenship (Amendment) Rules, 1986; or

(b) within thirty days of the appointment of the registering authority for the district concerned where such detection has taken place before the commencement of the Citizenship (Amendment) Rules, 1986.

(3) The registering authority shall, after entering the particulars of the application in a register in Form XXIV, return a copy of the application under his seal to the applicant.

(4) One copy of every application received during a quarter shall be sent by the registering authority to the Central Government and the State Government of Assam along with a quarterly return in Form XXV.

1. Ins. by G.S.R. 25 (E), dated 15th January, 1987.

(5) The period referred to in sub-rule (2) may be extended for a period not exceeding sixty days by the registering authority for reasons to be recorded in writing.]

1[16G. Declaration under section 6A(6).-The declaration referred to in clauses (a) and (b) of sub-section (6) of section 6A of the Act shall be made to the District Magistrate of the area within whose jurisdiction the person concerned is ordinarily resident in Form XXV!.]

PART III

NATURALISATION AND RESUMPTION OF INDIAN CITIZENSHIP

17. Form of application for naturalisation.-2[(1) An application for a certificate of naturalisation shall be made in Form XII to the Collector within whose jurisdiction the applicant is ordinarily resident and the Collector shall transmit every such application to the Central Government through the State Government alongwith his report.]

(2) Such application shall be accompanied by

- (i) duty stamped affidavits from the applicant and two respectable Indian citizens testifying to the character of the applicant and the correctness of the statements made in the application; and
- (ii) a certificate to the effect that the applicant has an adequate knowledge of one of the languages specified in the Eighth Schedule to the Constitution.

3[*Explanation.*-An applicant shall be considered to have adequate knowledge of the concerned language if he can speak or understand or read or write that language.]

18. Form of certificate of naturalisation.- (1) A certificate of naturalisation shall be in Form XIII and shall be signed by 4[an officer not below the rank of Under Secretary].

(2) There shall be kept by the Central Government in the Ministry of Home Affairs a register in Form XIV containing the names of persons to whom certificates of naturalisation are granted under this rule.

19. Oath of allegiance for purpose of naturalisation.- (1) The oath of allegiance required by section 6(2) to be taken by a person to whom a certificate of naturalisation is granted shall be subscribed and attested in Form XIII and as so subscribed and attested shall be endorsed on the certificate of naturalisation to which it relates.

(2) The oath of allegiance required as aforesaid shall be taken within 5[three months from] the date of certificate of naturalisation to which it relates, or within such extended time as the authority which granted the certificate may permit, and if the oath is not taken within the said time, the certificate shall have no effect:

1. Ins. by G.5.R. 25 (E), dated 15th January, 1987.

(2) Subs. by G.S.R. 344 (E), dated 20th April, 2000 (w.eJ. 20-4-2000).

(3) Ins. by G.5.R. 344 (E), dated 20th April, 2000 (w.eJ. 20-4-2000).

4. Subs. by G.5.R. 383 (E), dated 4th June, 1981.

5. Subs. by G.S.R. 25 (E), dated 15th January, 1987.

Provided that permission shall not be deemed to have been given under this sub-rule unless a statement to that effect is endorsed on the certificate and signed by a person authorised by rule 18 to sign a certificate of naturalisation.

(3) The oath of allegiance required as aforesaid shall be registered by such person and in such place as the authority which grants the certificate may direct.

(4) When the oath of allegiance is registered in accordance with any direction given under sub-rule (3), the authority which registers it shall cause a copy of the oath and of the certificate of naturalisation to which it relates to be sent to the Secretary.

20. Declaration of intention to resume Indian citizenship.-(I) A declaration of intention to resume citizenship under the proviso to section 8(2) shall be in Form XV, and the oath of allegiance in that Form shall be duly subscribed and attested.

(2) Every such declaration shall be registered in the Ministry of Home Affairs of the Government of India. /

(3) No such declaration shall be registered unless the declarant has taken the oath of allegiance at the end of the Form.

(4) There shall be kept by the Central Government in the Ministry of Home Affairs a register in Form XVI containing the names of persons whose declaration of intention to resume Indian citizenship are registered under this rule.

PART IV RENUNCIATION AND DEPRIVATION OF CITIZENSHIP OF INDIA

21. Declaration of renunciation of citizenship.-(I) A declaration of renunciation of citizenship of India made under section 8(1) shall be in Form XVII, and shall state

- (a) under what provisions of law the applicant is an Indian citizen; and
- (b) the circumstances in which the applicant is also a foreign citizen or national.

(2) The declaration shall be registered in the Ministry of Home Affairs of the Government of India.

(3) There shall be kept by the Central Government in the Ministry of Home Affairs a register in Form XVIII containing the names of persons whose declarations of intention to renounce citizenship are registered under this rule.

22. Notice of proposed deprivation of citizenship.-(I) When it is proposed to make an order under section 10 depriving a person of his citizenship of India, notice under sub-section (4) of that section shall be given

- (a) in a case where that person's whereabouts are known, by causing the notice to be delivered to him personally or by sending it to him by post;
- (b) in a case where that person's whereabouts are not known, by sending it to his last known address.

(2) Where the Central Government has given notice as aforesaid and the person to whom it is given has the right on making application therefor to have his case referred to a Committee of Inquiry under section 10(5), the application shall be made

(a) if that person is in India at the time when the notice is given to him, within three months from

the giving of the notice;

(b) in any other case, within such time not being less than three months from the giving of the notice, as the Central Government may determine:

Provided that the Central Government may in special circumstances at any time extended the time within which the application may be made.

(3) Any notice given in accordance with the provisions of this rule shall, in a case in which the person to whom it is given has the right, on making application therefor, to have his case referred to a Committee of Inquiry under section 10(5), include a statement of the time within which such application must be made.

23. Order depriving a person of Indian citizenship to be published.-An order depriving a citizen of India of the citizenship of India shall be published in the Gazette of India.

1[24. Cancellation of certificate of registration or naturalisation in case of deprivation of citizenship. -(1) Where an order has been made depriving a person registered or naturalised in India of his citizenship of India, the person so deprived or any other person in possession of the relevant certificate of registration or naturalisation shall, if required by notice in writing given by the Central Government, deliver up the said certificate to such person and within such time as may be specified in the notice.]

(2) (a) If the said certificate is so delivered, it shall be cancelled.

(b) If the said certificate is not so delivered, the Central Government, shall direct that it shall be treated as cancelled, but without prejudice to any action which may be taken under sub-rule (3).

(3) If any person fails to comply with any notice given under sub-rule (n he shall be punishable with fine which may extend to one thousand rupees.

25. Committee to follow procedure in Schedule II in holding inquiry.A Committee of Inquiry appointed under section 10 shall while holding the inquiry under sub-section (6) of that section follow the procedure laid down in Schedule II .

PART V SUPPLEMENTAL

26 . Variations in form of application or declaration.-Where a person wishes to make an application or declaration under any of these rules and the form referred to in the rule is, in the opinion of the Central Government or order authority to whom the application is to be sent for registration, unsuitable to the particular case, the Central Government or that other authority, as the case may be, may authorise the application or declaration being made in some other form.

1. Subs. by G.S.R. 344 (E), dated 20th April, 2000 (w.e.f. 20-4-2000).

27. Certificate of citizenship in case of doubt.-A certificate of citizenship in case of doubt issued under section 13 shall be in Form VI and shall be signed by I[an Officer not below the rank of Under Secretary].

28. Persons before whom application or declaration may be made or by whom oath of allegiance may be administered. -An application or declaration made in accordance with these

Rules shall not be accepted or registered and the oath of allegiance required by section 5(2) or section 6(2) shall be of no effect unless it is signed in the presence of or administered by one of the following persons:

(i) In India

The Collector, Deputy Commissioner, District Magistrate 2[***],

(ii) Elsewhere

Any Consular officer as defined in rule 2(d) of the Citizens (Registration at Indian Consulates) Rules, 1956:

Provided that if the applicant, declarant or deponent is serving in India in the naval, military or air forces of the Union the application, or declaration may be signed in the presence of, or the oath administered, by any officer holding a commission in any of these forces.

29. Certificate of documents.-A document may be certified to be a true copy of a document by means of a statement in writing to that effect signed by any of the persons before whom the application or declaration may be made or whom the oath of allegiance may be administered [or by any Officer not below the rank of an Under Secretary to the Government of India in the Ministry of Home Affairs].

30. Authority to determine acquisition of citizenship of another country. (1) If any question arises as to whether, when or how any person had acquired the citizenship of another country, the authority to determine such question shall, for the purpose of section 9(2), be the Central Government.

(2) The Central Government shall in determining any such question have due regard to the rules of evidence specified in Schedule III.

31. Fees.-(1) The fees specified in Schedule IV shall be levied and collected in respect of the matters referred to in that Schedule:

Provided that no fee shall be levied and collected in respect of any of the said matters from a person of Indian origin who makes an application under section 5(1)(a) 2[***].

(2) Of the fee payable in respect of the grant of a certificate of naturalisation, a sum of 3[Rs. 200 (Rupees 500)] if the application is submitted through an Indian Mission abroad) shall be payable on the submission of the application for a certificate and shall in no circumstances be refunded and the balance shall be payable on the receipt of the decision to grant a certificate.

1. Subs. by G.5.R. 383 (E), dated 4th June, 1981.

2. Omitted by G.5.R. 344 (E), dated 20th April, 2000 (w.e.f. 20-4-2000).

3. Subs. by G.5.R. 344 (E), dated 20th April, 2000 (w.e.f. 20-4-2000).

(3) Of the fee payable for registration of a Canadian citizen under section 5(1)(e), a sum of Rs. 15 (Rs. 24.00 if the application is submitted through an Indian Mission abroad) shall be payable on the submission of the application and shall in no circumstances be refunded and the balance shall be payable on the receipt of the decision to grant a certificate of registration.

1[32. Authority for revision of an order made under the Act by the prescribed authority. -If an application is made by a person aggrieved by an order made under the provisions of the Act, the application shall be disposed off after giving a reasonable opportunity to the person affected to present his case, by an authority one rank higher than the authority prescribed for disposal of application against the order of which revision is sought]

SCHEDULE 1 [See rule 2(c)]

2[This Form when completed should be submitted in triplicate to Collector within whose jurisdiction the applicant is ordinarily resident for transmission to the Central Government through the State Government or Union territory Administration, as the case may be.]

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1. Ins. by G.5.R. 344 (E), dated 20th April, 2000 (w.e.f. 20-4-2000).
 2. Subs. by G.5.R. 344 (E), dated 20th April, 2000 (w.e.f. 20-4-2000).

THE CITIZENSHIP (REGISTRATION OF CITIZENS AND ISSUE OF NATIONAL IDENTITY CARDS) RULES, 2003

In exercise of the powers conferred by sub-sections (1) and (3) of section 18 of the Citizenship Act, 1955 (57 of 1955), the Central Government hereby makes the following rules, namely:

1. Short title and commencement.- (1) These rules may be called the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.- In these rules, unless the context otherwise requires,

(a) "Act" means the Citizenship Act, 1955 (57 of 1955);

(b) "Chief Registrar of Births and Deaths" means the Chief Registrar of Births and Deaths appointed under the Registration of Births and Deaths Act, 1969 (18 of 1969);

(c) "citizen" means the citizen of India in terms of the Constitution of India and provisions of the Act;

(d) "Director of Citizen Registration" means the Director of Census in a State or Union territory appointed by the Central Government under the Census Act, 1948 (37 of 1948), who shall also function as the Director of Citizen Registration in that State, or as the case may be, in the Union territory;

(e) "District Register of Indian Citizens" means the register containing details of Indian citizens usually residing in the district;

(f) "District Registrar of Citizen Registration" means the District Magistrate of every revenue district, by whatever name known, who shall act as the District Registrar of Citizen Registration;

(g) "Local Register of Indian Citizens" means the register containing details of Indian citizens usually residing in a village or rural area or town or ward or demarcated area (demarcated by the Registrar General of Citizen Registration) within a ward in a town or urban area;

(h) "Local Registrar of Citizen Registration" means a local officer, or a revenue officer, appointed by the State Government at the lowest geographical jurisdiction, that is to say, of a village or rural area or town, or ward or demarcated area (demarcated by the Registrar General of Citizen Registration) within a ward in a town or urban area, who shall function as Local Registrar for the purpose of preparation of Local Register of Indian Citizens;

(i) "National Identity Card" means the identity card issued under rule 13;

(j) "National Identity Number" means a unique identity number allotted to every Indian Citizen by the Registrar General of Citizen Registration, India;

(k) "National Register of Indian Citizens" means the register containing details of Indian Citizens living in India and outside India;

1. *Vide* G.S.R. 937 (E), dated 10th December, 2003 published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), dated 10th December, 2003.

- (l) "Population Register" means the register containing details of persons usually residing in a village or rural area or town or ward or demarcated area (demarcated by the Registrar General of Citizen Registration) within a ward in a town or urban area;
- (m) "Registrar General of Citizen Registration" means the Registrar General, India, appointed under the Registration of Births and Deaths Act, 1969 (18 of 1969), who shall also function as the Registrar General of Citizen Registration, India;
- (n) "State Register of Indian Citizens" means the register containing details of Indian citizens usually residing in the State;
- (o) "Sub-district or Taluk Registrar of Citizen Registration" means the Subdistrict Magistrate or Taluk Executive Magistrate of every sub-district or taluk, by whatever name known, as the case may be, who shall function as Sub-district or Taluk Registrar of Citizen Registration;
- (p) "Sub-district Register of Indian Citizens" means the register containing details of Indian citizens usually residing in a taluk, or by whatever name known, of the sub-district.

3. National Register of Indian Citizens.-(I) The Registrar General of Citizen Registration shall establish and maintain the National Register of Indian Citizens.

(2) The National Register of Indian Citizens shall be divided into sub-parts consisting of the State Register of Indian Citizens, the District Register of Indian Citizens, the Sub-district Register of Indian Citizens and the Local Register of Indian Citizens and shall contain such details as the Central Government may, by order, in consultation with the Registrar General of Citizen Registration, specify. "

(3) The National Register of Indian Citizens shall contain the following particulars in respect of every Citizen, namely:

- (i) Name;
- (ii) Father's name;
- (iii) Mother's name;
- (iv) Sex;
- (v) Date of birth;
- (vi) Place of birth;
- (vii) Residential address (present and permanent);
- (viii) Marital status-if ever married, name of the spouse;
- (ix) Visible identification mark;
- (x) Date of registration of Citizen;
- (xi) Serial number of registration; and
- (xii) National Identity Number.

(4) The Central Government may, by an order issued in this regard, decide a date by which the Population Register shall be prepared by collecting information relating to all persons who are usually residing within the jurisdiction of Local Registrar.

(5) The Local Register of Indian citizens shall contain details of persons after due verification made from the Population Register.

4. Preparation of the National Register of Indian Citizens.-(I) The Central Government shall, for the purpose of National Register of Indian Citizens, cause to carry throughout the country a house-to-house enumeration for collection of specified particulars relating to each family and individual, residing in a local area including the Citizenship status.

(2) The Registrar General of Citizen Registration shall notify the period and duration of the enumeration in the Official Gazette.

(3) For the purposes of preparation and inclusion in the Local Register of Indian Citizens, the particulars collected of every family and individual in the Population Register shall be verified and scrutinized by the Local Registrar, who may be assisted by one or more persons as specified by the Registrar General of Citizen Registration.

(4) During the verification process, particulars of such individuals, whose Citizenship is doubtful, shall be entered by the Local Registrar with appropriate remark in the Population Register for further enquiry and in case of doubtful Citizenship, the individual or the family shall be informed in a specified proforma immediately after the verification process is over.

(5) (a) Every person or family specified in sub-rule (4), shall be given an opportunity of being heard by the Sub-district or Taluk Registrar of Citizen Registration, before a final decision is taken to include or to exclude their particulars in the National Register of Indian Citizens.

(b) The Sub-district or Taluk Registrar shall finalize his findings within a period of ninety days of the entry being made, or within such reasonable extended time for which he shall record the reasons in writing.

(6) (a) The draft of the Local Register of Indian Citizens shall be published by the Sub-district or Taluk Registrar, for inviting any objections or for inclusion of any name or corrections for the family or individual particulars collected and proposed to be finally entered in the National Register of Indian Citizens.

(b) Any objection against a particular entry or for inclusion of a name, or corrections if any, in the Local Register of Indian Citizens may be made within a period of thirty days from the date of publication of the draft of the Local Register of Indian Citizens, spelling out the nature and reasons for the objection in such form as may be specified by the Registrar General of Citizen Registration.

(c) Subject to the provisions contained in clause (a) of sub-rule (5), the Sub-district or Taluk Registrar shall consider such objections and summarily dispose off the same within a period of ninety days, and thereafter submit the Local Register of Indian Citizens so prepared to the District Registrar of Citizen Registration who shall cause the entries in the Local Register of Indian Citizens, to be transferred to the National Register of Indian Citizens.

(7) (a) Any person aggrieved by the order of the Sub-district or Taluk Registrar under sub-rule (5) or sub-rule (6), may prefer an appeal within thirty days from the date of such order, to the District Registrar of Citizen Registration.

(b) The District Registrar of Citizen Registration shall take a final decision, after giving an opportunity of being heard to the person so aggrieved, within a period of ninety days from the date of appeal.

(c) In case the appeal is allowed, the particulars shall be entered in the National Register of Indian Citizens.

5. Officials of the Central Government, State Governments and local bodies to assist the Registrar General of Citizen Registration. -Every official of the Central Government, State Government, local bodies or their undertakings shall assist the Registrar General of Citizen Registration or any person authorized by him in this behalf, in preparation of the database relating to each family and every person, and in implementing the provisions of these rules.

6. Initialization of National Register of Indian Citizens.-(1) The Registrar General of Citizen Registration shall, by order, notify the date on which the National Register of Indian Citizens shall be initialized throughout the country.

(2) The order made under sub-rul_ (1) may provide for the initialization period specified by the Registrar General of Citizen Registration for establishment of the National Register of Indian Citizens.

(3) Every individual must get himself registered with the Local Registrar of Citizen Registration during the period of initialization as specified under sub-rule (2).

7. Head of family and individual to act as informant.-(1) It shall be compulsory for every citizen of India to assist the officials responsible for preparation of the National Register of Indian Citizens under rule 4 and get himself registered in the Local Register of Indian Citizens during the period of initialization.

(2) It shall be the responsibility of the head of every family, during the period specified for preparation of the Population Register, to give the correct details of name and number of members and other particulars, as specified in sub-rule (3) of rule 3, of the family of which he is the head.

(3) It shall be the responsibility of every Citizen to register once with the Local Registrar of Citizen Registration and to provide correct individual particulars to that authority.

(4) In the case of dependents, such as minor who has not attained the age of eighteen years, or who is disabled, the responsibility of reporting the particulars under this rule shall be of the head of the family:

Provided that in so far as inmates of institutions, such as orphanages, old age homes, mental asylums are concerned, the responsibility for providing the requisite details shall lie with the head of the Institution.

8. Power of District Registrar, Sub-district or Taluk Registrar or Local Registrar of Citizen Registration to obtain information. - The District Registrar, Sub-district or Taluk Registrar or the Local Registrar of Citizen Registration may, by order, require any person to furnish any information within his knowledge in connection with the determination of Citizenship status of any person and the person required to furnish information shall be bound to comply with such requisition.

9. Procedure as to making of entries in National Register of Indian Citizens.- The Registrar General of Citizen Registration may, by order, specify the procedure to be followed in preparation of the National Register of Indian Citizens and disposal of claims and objections with regard to family and individual particulars proposed to be entered in that Register.

10. Deletion of name and particulars from National Register of Indian Citizens.-(1) The name and particulars of a Citizen may be removed from the National Register of Indian Citizens by an order of the Registrar General of Citizen Registration or any officer authorized by him in this behalf in the event of

(i) death of the person; or

(ii) the person ceasing to be an Indian citizen under section 8 of the Act;

(iii) revocation of Indian citizenship under section 9 of the Act; or

(iv) the particulars provided by the individual or the family found to be incorrect subsequently, thereby affecting the Citizenship status of the person.

(2) It shall be the duty of the Indian Citizen concerned to inform the District Registrar of Citizen Registration, within a period of thirty days, about the cessation of his Indian citizenship under clause (ii) of sub-rule (1).

(3) In the event of an order under sub-rule (1), the person concerned, or in the event of his death his nearest relative, shall be duly informed about the deletion of any entry from the National Register of Indian Citizens:

Provided that any person aggrieved by the order of an authorized officer may prefer an appeal against such order to the Authority within a period of thirty days of such order.

(4) The appeal under sub-rule (3) shall be disposed off, after giving to the appellant an opportunity of being heard, and produce any documentary or oral evidence in support of his claim.

11. Maintenance and updating of National Register of Indian Citizens.-The Registrar General of Citizen Registration shall cause to maintain the National Register of Indian Citizens in electronic or some other form which shall entail its continuous updating on the basis of extracts from various Registers specified under the Registration of Births and Deaths Act, 1969 (18 of 1969) and the Act.

(2) It shall be the responsibility of the head of each and every family to ensure that any event of birth or death occurring in the family has been duly entered in, or deleted from, the Local Register of Indian Citizens.

(3) The Chief Registrar of Births and Deaths and all other officials engaged in the registration of births and deaths shall assist the Registrar General of Citizen Registration in updating the National Register of Indian Citizens as required under sub-rule (1).

12. Modification of entries in National Register of Indian Citizens.-The Sub-district or Taluk Registrar may, on an application made by the concerned person and after due verification, authorize the modification of any entry in respect of the following particulars in National Register of Indian Citizens, namely:

(a) change of name; or

(b) the name of the applicant's parent in case his status has been altered by adoption under the relevant laws; or

(c) change of residential address; or (d) change of marital status; or (e) change of sex.

13. Issue of National Identity Cards.-The Registrar General of Citizen Registration, or any officer authorized by him in this behalf, shall issue the National Identity Card to every Citizen whose particulars are entered in the National Register of Indian Citizens under sub-rule (3) of rule 3.

14. National identity Cards to be Government property and responsibility of Citizens to keep them properly.- (1) The National Identity Card shall be the property at the Central Government.

(2) No person shall wilfully destroy, alter, transfer or use in any form the National Identity Card, except for the lawful purposes.

(3) On the happening of any of the events specified under sub-rule (1) of rule 10, the National Identity Card shall be surrendered, by the Citizen concerned or his nearest relative, as the case may be, to the Registrar General of Citizen Registration or any other authorized officer acting on his behalf.

(4) In the event of a loss of the National Identity Card, it shall be the duty of the Citizen or his nearest relative, as the case may be, to report the matter immediately to the nearest police station and the concerned Authority.

15. Designation of National Registration Authority and officers.-(1) On and from the date of commencement of these rules, the Registrar General, India shall be designated as the Registrar General of Citizen Registration, India who shall also function as such for the purposes of these rules.

(2) The Central Government may designate

(a) one or more officers as Additional or Joint or Deputy Registrar General of Citizen Registration and such other officers and staff as may be required; and

(b) an officer as a Director, and one or more officers as Joint Director, Deputy Director, Assistant Director of Citizen Registration for each of the States and the Union territories along with requisite support staff, to assist the Registrar General of Citizen Registration in discharging the functions and responsibilities under these rules.

(3) The State Government shall notify a State Co-ordinator of National Registration not below the rank of a Secretary in the State Government or equivalent.

16. Supervision and Control of Registrar General of Citizen Registration over District, Sub-district or Taluk and Local Registrars of Citizen Registration. -(1) The State Governments shall designate an officer or a person as Local Registrar of Citizen Registration for each lowest geographical jurisdiction, that is to say, of a village or rural area or town, or ward or demarcated area (demarcated by the Registrar General of Citizen Registration) within a ward in a town or urban area who shall function as Local Registrar for the purpose of preparation of Local Register of Indian Citizens.

(2) Every Local Registrar of Citizen Registration shall function under the overall supervision of the Sub-district or Taluk Registrar of Citizen Registration.

(3) Every Sub-district or Taluk Registrar of Citizen Registration shall function under the overall supervision of the District Registrar of Citizen Registration.

(4) For the purposes of implementing and carrying out the provisions of these rules, the District Registrar, the Sub-district or Taluk Registrar and the Local Registrar of Citizen Registration shall be under the supervision and control of the Registrar General of Citizen Registration.

(5) The Registrar General of Citizen Registration or any officer authorized by him at any time may call for any records for examination, and issue directions regarding inclusion or exclusion of any individual or family particulars from the Population Register or Local Register of Indian Citizens, to the District Registrar, the Subdistrict or Taluk Registrar and the Local Registrar of Citizen Registration.

17. Penal consequences in certain cases.-Any violation of provisions of rules 5, 7,8, 10, 11 and 14 shall be punishable with fine which may extend to one thousand rupees. .

18. Guidelines for collection of particulars of individuals, verification, issue of National Identity Cards, etc.-The Registrar General of Citizen Registration may, in consultation with the Central Government, issue from time to time, such guidelines to the State Governments as are considered necessary for implementation of these rules.

ANNEXE

PROVISIONS OF THE CITIZENSHIP ACT, 1955 (57 OF 1955) WHICH HAVE BEEN EITHER SUBSTITUTED OR OMITTED BY THE CITIZENSHIP (AMENDMENT) ACT, 2003 (6 OF 2004), AS THEY STOOD BEFORE SUBSTITUTION OR OMISSION.

Clauses (b) and (c) and the proviso to clause (c) of sub-section (1) of section 2

(b) "citizen", in relation to a country specified in the First Schedule, means a person who under the citizenship or nationality law for the time being in force in that country, is a citizen or national of that country;

(c) "citizenship or nationality law", in relation to a country specified in the First Schedule, means an enactment of the legislature of that country which, at the request of the Government of that country, the Central Government may, by notification in the Official Gazette, have declared to be an enactment making provision for the citizenship or nationality of that country:

Provided that no such notification shall be issued in relation to the Union of South Africa except with the previous approval of both Houses of Parliament;

Section 3

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 commencement of the Citizenship (Amendment) Act, 1986; (b) on or after such commencement and either of whose parents is a citizen of India at the time of his birth, shall be a citizen of India by birth.

(2) A person shall not be such a citizen by virtue of this section if at the time of his birth (a) his father 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 is not a citizen of India; or (b) his father is an enemy alien and the birth occurs in a place then under occupation by the enemy.

Sub-section (1) of section 4

(1) A person born outside India, (a) on or after the 26th January, 1950, but before the commencement of the Citizenship (Amendment) Act, 1992, shall be a citizen of India by descent if his father is a citizen of India at the time of his birth; or (b) on or after such commencement, shall be a citizen of India by descent if either of his parents is a citizen of India at the time of his birth:

Provided that if the father of such 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 such 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 the commencement of the Citizenship (Amendment) Act, 1992, which ever 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.

Sub-section (1) of section 5

(1) Subject to the provisions of this section and such conditions and restrictions as may be prescribed, the prescribed authority may, on application made in this behalf, register as a citizen of India any person who is not already such citizen by virtue of the Constitution or by virtue of any of the other provisions of this Act and belongs to any of the following categories:

(a) persons of Indian origin who are ordinarily resident in India and have been resident for five years immediately before making an application for registration;

(b) persons of Indian origin who are ordinarily resident in any country or place outside undivided India;

(c) persons who are, or have been, married to citizens of India and are ordinarily resident in India and have been so resident for five years immediately before making an application for registration; (d) minor children of persons who are citizens of India; and (e) persons of full age and capacity who are citizens of a country specified in the First Schedule:

Provided that in prescribing the conditions and restrictions subject to which persons of any such country may be registered as citizens of India under this clause, the Central Government shall have due regard to the conditions subject to which citizens of India may, by law or practice of that country, become citizens of that country by registration.

Explanation.-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.

Sub-section (3) of section 8

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

Sections 11 and 12

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 a Commonwealth citizen in India.

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 of 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.

The First Schedule

THE 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.

The Second Schedule

THE 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.