

Bill No. XXXIX of 2003

THE CITIZENSHIP (AMENDMENT) BILL, 2003

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BILL

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. (1) This Act may be called the Citizenship (Amendment) Act, 2003.

Short title and
commencement.

(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

(e) 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 of Indian origin being a citizen of a specified country, or an Indian citizen, who is registered as an overseas citizen of India by the Central Government under sub-section (1) of section 7A;'

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

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

Substitution
of new section
for section 3.

Citizenship by
birth.

3. For section 3 of the principal Act, the following section shall be substituted, namely:—

"3. (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

(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."

Amendment
of section 4.

4. 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 —

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.

(1A) A minor who is a citizen of India by virtue of this section shall not cease to be a citizen of India if within six months of attaining full age he makes an application for registration as an overseas citizen of India under this Act and until such application is disposed of by the Central Government."

5. In section 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 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

Amendment
of section 5.

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 (I) 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 (I) to any person or a class of persons, it may, for reasons to be recorded in writing, grant such exemption."

Amendment of section 6.

6. In section 6 of the principal Act, in sub-section (I), 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.

Insertion of heading and new sections 7A, 7B, 7C and 7D. Registration of overseas citizens.

7. After section 7 of the principal Act, the following heading and sections shall be inserted, namely:-

‘OVERSEAS CITIZENSHIP

7A. (I) 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 and such commencement; or

(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. (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.

Conferment
of rights on
overseas
citizens of
India.

(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;

43 of 1950.

(f) under section 16 of the Representation of the People Act, 1950 in regard to registration as a voter;

43 of 1951.

(g) under sections 3 and 4 of the Representation of the People Act, 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;

43 of 1951.

(h) under sections 5, 5A and 6 of the Representation of the People Act, 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

Cancellation of registration as overseas citizen of India.	<p>7D. The Central Government may, by order, cancel the registration granted under sub-section (1) of section 7A if it is satisfied that—</p> <p>(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</p> <p>(b) the overseas citizen of India has shown himself by any act or speech to be disloyal or disaffected towards the Constitution of India as by law established; or</p> <p>(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</p> <p>(d) the overseas citizen of India has, within five years after registration under sub-section (1) of section 7A has been sentenced to imprisonment for a term of not less than two years; or</p> <p>(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.¹.</p>
Amendment of section 8.	<p>8. In section 8 of the principal Act,—</p> <p>(a) in sub-section (1), the words "who is also a citizen or national of another country" shall be omitted;</p> <p>(b) in the proviso to sub-section (2), after the word "declaration", the words "in the prescribed form and manner" shall be inserted;</p> <p>(c) sub-section (3) shall be omitted.</p>
Amendment of section 9.	<p>9. In section 9 of the principal Act,—</p> <p>(a) in sub-section (1), after the proviso, the following proviso shall be inserted, namely:—</p> <p style="padding-left: 40px;">"Provided further that after the commencement of the Citizenship (Amendment) Act, 2003, any citizen of India who voluntarily acquires the citizenship of a specified country shall not cease to be a citizen of India, if within six months thereof he makes an application for registration as an overseas citizen of India under sub-section (1) of section 7A, until such application is disposed of by the Central Government.";</p> <p>(b) in sub-section (2) for the word "person", the words "citizen of India" shall be substituted.</p>
Omission of sections 11 and 12.	<p>10. Sections 11 and 12 of the principal Act shall be omitted.</p>
Amendment of section 14.	<p>11. 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.</p>
Insertion of new section . . .	<p>12. After section 14 of the principal Act, the following section shall be inserted, namely:—</p>

<p>13. After section 15 of the principal Act, the following section shall be inserted, namely:-</p>	<p>Insertion of new section 15A.</p>
<p>"15A. (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:</p>	<p>Review.</p>
<p>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.</p>	
<p>(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."</p>	
<p>14. In section 17 of the principal Act,—</p>	<p>Amendment of section 17.</p>
<p>(a) for the words "six months", the words "five years" shall be substituted;</p>	
<p>(b) for the words "with fine", the words "with fine which may extend to fifty thousand rupees" shall be substituted.</p>	
<p>15. In section 18 of the principal Act,—</p>	<p>Amendment of section 18.</p>
<p>(i) in sub-section (2),—</p>	
<p>(a) after clause (a), the following clause shall be inserted, namely:—</p>	
<p>"(aa) the form and manner in which a declaration under sub-section (1) of section 4 shall be made;"</p>	
<p>(b) after clause (i), the following clause shall be inserted, namely:—</p>	
<p>"(ia) the procedure to be followed in compulsory enrolment of a citizen of India, the form and manner for making applications, the documents and other evidence by which such application shall be accompanied and the fees payable in respect of such application, the form of national citizenship identity card and other details, under sub-section (2) of section 14A;"</p>	
<p>(ii) in sub-section (3), the following proviso shall be inserted, namely:—</p>	
<p>"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."</p>	
<p>16. The First Schedule to the principal Act shall be omitted.</p>	<p>Omission of First Schedule.</p>
<p>17. For the Second Schedule to the principal Act, the following Schedule shall be substituted, namely:—</p>	<p>Substitution of Second Schedule by a new Schedule.</p>
<p style="text-align: center;">"THE SECOND SCHEDULE [See sections 5(2), 6(2) and 7A(2)]</p>	
<p style="text-align: center;">OATH OF ALLEGIANCE</p>	

to the Constitution of India as by law established, and that I will faithfully observe the laws of India and fulfil my duties as an overseas citizen of India."

Amendment
of Third
Schedule.

18. 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.

Insertion of
new Fourth
Schedule.

19. 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. Ireland.
5. Italy.
6. Netherlands.
7. United Kingdom.
8. United States of America."

STATEMENT OF OBJECTS AND REASONS

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

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

(i) make acquisition of Indian citizenship by registration and naturalisation more stringent;

(ii) prevent illegal migrants from becoming eligible for Indian citizenship;

(iii) simplify the procedure to facilitate the re-acquisition of Indian citizenship by persons of full age who are children of Indian citizens, and former citizens of independent India;

(iv) provide for the grant of overseas citizenship of India to persons of Indian origin belonging to specified countries, and Indian citizens who choose to acquire the citizenship of any of these countries at a later date;

(v) provide for the compulsory registration and issue of a national identity card to all citizens of India;

(vi) enhance the penalty for violation of its provisions, as well as the rules framed under it; and

(vii) to omit all provisions recognizing, or relating to the Commonwealth citizenship from the Act.

3. The Bill seeks to achieve the above objects.

NEW DELHI;
The 7th May, 2003.

L. K. ADVANI.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill seeks to amend section 4 of the Citizenship Act, 1955(hereafter referred to as the Act) relating to citizenship by descent. The said amendment, *inter alia*, empowers the Central Government to lay down, by rules, the form and manner in which registration of birth at an Indian consulate shall be made and the form and manner of declaration by parents for registration of births of children at such consulates.

2. Clause 5 seeks to amend section 5 of the Act relating to citizenship by registration. The proposed sub-section (1) of section 5 empowers the Central Government to make rules laying down the conditions and restrictions to register as a citizen of India any person who is not an illegal migrant.

3. Clause 7 of the Bill seeks to insert new sections 7A, 7B, 7C and 7D in the Act relating to overseas citizenship of India. Sub-section (1) of proposed new section 7A empowers the Central Government to prescribe, by rules, the conditions and restrictions for making application by certain categories of persons for registration as “overseas citizen of India”.

4. Proposed new section 7C empowers the Central Government to make rules relating to the manner of declaration of renouncing overseas citizenship of India.

5. Clause 8 of the Bill seeks to amend section 8 of the Act relating to renunciation of citizenship, *inter alia*, to empower the Central Government to lay down by rules, the form and manner of making declarations by children on attaining full age for resumption of Indian citizenship.

6. Clause 12 of the Bill seeks to insert a new section 14A in the Act relating to issue of national identity cards to all citizens of India. Under new section 14A the Central Government may make rules to lay down the procedure for compulsory registration of citizens of India, the form and manner in which such applications may be made and the documents, other particulars and fee which may accompany such applications.

7. The matters in respect of which rules may be made under the aforesaid provisions are generally matters of procedure or administrative details and it is not possible to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

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

(a) “a Government in India” means the Central Government or a State Government;

(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;

(d) “Indian consulate” means the office of any consular officer of the Government of India where a register of births is kept, or where there is no such office, such office as may be prescribed;

(e) “minor” means a person who has not attained the age of eighteen years;

(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;

(h) “undivided India” means India as defined in the Government of India Act, 1935 as originally enacted.

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ACQUISITION OF CITIZENSHIP

3. (1) except as provided in sub-section (2), every person born in India, -

Citizenship by birth.

(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 -

Citizenship by descent.

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

39 of 1992.

(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, whichever is later, or with the permission of the Central Government, after the expiry of the said period; or

39 of 1992.

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

Citizenship by registration.

5. (1) Subject to the provisions of this section and such condition 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

* * * * *

6. (1) Where an application is made in the prescribed manner by any person of full age and capacity who is not a citizen of a country specified in the First Schedule 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:

Citizenship by naturalisation.

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

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TERMINATION OF CITIZENSHIP

8. (1) If any citizen of India of full age and capacity, who is also a citizen or national of another country, 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:

Renunciation of citizenship.

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 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 that he wishes to resume Indian citizenship and shall thereupon again become a citizen of India.

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

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

Termination of citizenship.

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 person 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.

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citizens of
certain
countries.

(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.

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Disposal of
application
under sections
5 and 6.

14. (1) The prescribed authority or the Central Government may in its discretion, grant or refuse an application under section 5 or section 6 and shall not be required to assign reasons for such grant or refusal.

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

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Offences.

17. 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 six months, or with fine, or with both.

Power to make
rules.

18. (1)* * * * *

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

* * * * *

(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.

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.

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.

The qualifications for naturalisation of a person who is not a citizen of a country specified in the First Schedule 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, 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;

(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 twelve 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 nine years;

(e) that he is of a 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 organization 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 it had immediately preceded that date;

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

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further to amend the Citizenship Act, 1955
