

# Competitive Exams: Political Science Study Material Citizenship

## Citizenship

- A citizen is a person who enjoys full membership of the community or State in which he lives or ordinarily lives.
- Citizens are different from aliens, who do not enjoy all the rights which are essential for full membership of a state. Part II of the Constitution simply describes classes of a person living in India at the commencement of the Constitution, i.e.. 26th January 1950, and leaves the entire law of the citizenship to be regulated by legislations made by the Parliament.
- In exercise of its power, the Parliament enacted the Indian Citizenship Act, 1955, which was subsequently amended in 1986.
- The Act provides for the acquisition of Indian citizenship after the commencement of the Constitution in five ways, i.e.. Birth, descent, registration, naturalization and incorporation of territory.
- By birth: Every person born in India on or after 26 January 1950, shall be a citizen of India by law of soil (Jus Soli), provided either or both of his/her parents are citizens of India at the time of his/her birth.
- But this law does not apply where his/her father is a diplomat of any other country or is an enemy alien at the time of his/her birth.
- By descent: Broadly, a person born outside India on or after January 26, 1950, is a citizen of India by descent if his/her either of the parents is a citizen of India at the time of that person's birth i.e.. Law of blood (Jus Sanguine).
- By registration: The prescribed authority may, on application, register as a citizen of India, any person who is not a citizen by virtue of Constitution or the provisions of the Citizenship Act.
- This mode of acquiring citizenship is available to any of the following categories:
  - persons of Indian origin who are ordinarily resident in India for 7 years immediately before making an application for registration
  - persons of Indian origin who are ordinarily resident in any country or place outside India
  - women who are, or have been married to citizens of India

- minor children of persons who are citizens of India
- persons of full age and capacity who are citizens of a country mentioned in the First Schedule.

## Rights Not Available to Aliens

1. Right not to be discriminated against on grounds of race, caste, religion, sex or place of birth (Art 15)
2. Right to equality of opportunity in public employment (Art 16)
3. Right to six fundamental freedoms under Art 19.
4. Right of suffrage
5. Cultural and educational rights conferred by Arts 29 & 30.
6. Rights to hold certain offices President, Vice-President, Governor of States, Judges of Supreme Court or High Courts, Attorney General of India, Comptroller and Auditor General, etc.
7. Right to contest election and get elected to either House at the Centre or State level.

## Articles Related to Citizenship

- 5 Citizenship at the commencement of the Constitution.
- 6 Rights of citizenship of certain persons who have migrated to India from Pakistan.
- 7 Rights of citizenship of certain migrants to Pakistan.
- 8 Rights of citizenship of certain persons of Indian origin residing outside India.
- 9 Persons voluntarily acquiring citizenship of a foreign State not to be citizens.
- 10 Continuance of the rights of citizenship.
- 11 Parliament to regulate the right of citizenship by law.



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