



HOW DOES THE INDIAN IMMIGRATION LAW (CAA) WORK?

The **Indian Constitution and the Citizenship Act**, 1955 largely regulated the citizenship requirements and pathways in India. In accordance with contemporary law, Indian Citizenship is generally determined by the rule of 'jus sanguines' (citizenship of the parents) as opposed to 'jus soli' (place of birth), and India is one of the countries that provide single citizenship for the whole of India.



A person can be claimed as a citizen by considering the factors like birth, registration, descent, and naturalization. Articles 5 to 11 of India's Constitution include various provisions that help to regulate citizenship at the commencement of the constitution. The acquisition, determination, and termination of Indian Citizenship after the commencement of the Constitution are managed by the Citizenship Act. There are various kinds of citizenship and different ways through which Indian citizenship can be obtained. The types of citizenships are as follows,

• CITIZENSHIP BY BIRTH

According to the Citizenship Act 1955, a person born in India on or after January 26, 1950, and before July 1, 1987, is a citizen by birth "irrespective of the nationality of his parents". A person born in India on or after July 1, 1987, but before December 3, 2004, is considered as a citizen of India by birth "only if either of his parents is Indian citizen at the time of his birth". If a person is born in India on or after December 3, 2004, then they will be considered an Indian citizen by birth, whereas if both parents are citizens of India or even one of the parents is a

citizen of India and the other one is not an illegal immigrant at the time of his birth will get the Indian citizenship.

• CITIZENSHIP BY REGISTRATION

Persons of Indian Origin (PIOs) are also eligible to be declared as Indian citizens. Section 5 of the Citizenship Act specifies that the Central Government can register someone as a citizen, on the application registration, a person (who is not an illegal immigrant) who belongs to the categories that are discussed as follows,

- A person of Indian origin who is generally a citizen of India for seven years before making an application registration that includes the period of twelve months throughout right before making an application.
- A person can seek legal [advice from a lawyer](#) to proceed with the registration procedure smoothly.
- A person who has been married to a citizen of India and is ordinarily resident in India for seven years before making an application for the applicants.
- A person of Indian origin who is habitually a citizen in any country or place outside undivided India.
- Children below the minor age of people who are citizens of India.
- Along with that, a person of legal age and capacity whose parents are registered as citizens of India.
- A person of legal age and capacity who was or has had a parent who was a citizen of independence India previously and has also been a resident of India for at least one year right before making an enrollment application.
- A person who is of legal age and has the capability and designated as an overseas citizen of India for at least five years and who has lived in India for one year in advance before proceeding with the application for the registration.

• CITIZENSHIP BY DESCENT

Various time periods are also responsible for determining citizenship by descent. A person who was born outside the international boundaries of India on or after January 26, 1950, but before December 10, 1992, is a citizen of India by descent only if his father was a citizen of India since he was born at the time of his birth. But if the father was a citizen of India by descent only, then that person must not be considered a citizen of India. He would be considered an Indian citizen only if his birth is recorded at an Indian Consulate within one year from the date

when he was born or with the permission of the Central Government after the expiry of the said period.

A person born outside the international borders of India to a parent who holds Indian citizenship on or after December 3, 2004, will not be a citizen of India unless and until the parents of the said child declare that their child does not hold a passport of a different nation and his birth is registered at an Indian consulate within one year of the date of birth or with the permission of the Central Government, after the expiry of the said period.

• CITIZENSHIP BY NATURALIZATION

Lastly, there is citizenship by naturalization. Citizenship obtained naturalization in India can be gained by a foreigner or an international citizen who is not an illegal immigrant and who is generally a resident in India in an ordinal manner for at least the span of twelve years throughout and this period of twelve months starts immediately preceding the date of application and for at least eleven years and in the aggregate, in the fourteen years preceding the twelve months. The applicant needs to meet the qualifications that are specified in schedule three or the act as well. These are the requirements but can be waived off only if the applicant is a person who has rendered distinguished services to the cause of various fields of science, philosophy, arts, and literature in the name of the central government of India.

The person to whom a certificate of naturalization is granted shall be a citizen of India only from the date on which the certificate is granted, and that is done after an oath-taking ceremony where the oath of allegiance is taken in a specified form that is mentioned in the second schedule which is there to be a citizen of India by naturalization.