

Bill Summary

The Citizenship (Amendment) Bill, 2014

- The Citizenship (Amendment) Bill, 2014 was introduced in Lok Sabha by the Minister of State, Ministry of Home Affairs, Mr. Haribhai Partibhai Chaudhary on December 23, 2014. The Bill amends the Citizenship Act, 1955.
- The Citizenship Act, 1955 regulates acquisition and determination of citizenship after commencement of the Constitution. It provides for citizenship by birth, descent, registration, naturalisation and by incorporation of territory. In addition, it provides for renunciation and termination of citizenship under certain circumstances. It also contains provisions regarding registration of Overseas Citizens of India and their rights.
- **Citizenship by registration and naturalisation:** The Act allows a person to apply for citizenship by registration or naturalisation if they fulfil certain qualifications. For example, a person may apply for citizenship by registration if they or their parents were earlier citizens of India, and if they resided in India for one year before applying for registration. Similarly, a person may apply for a certificate of naturalisation if they have resided in India or have served the government of India for a period of 12 months immediately preceding the date of application. The Bill relaxes the requirement of 12 months, in cases such as these, to allow for breaks up to 30 days if the central government is satisfied that special circumstances exist, and has recorded them in writing.
- **Overseas Citizen of India cardholders:** The Act provides certain qualifications for registering a person as an Overseas Citizen of India. An Overseas Citizen of India is entitled to some benefits such as a multiple-entry, multi-purpose life-long visa to visit India. The Bill provides certain additional grounds on which a person may register for overseas citizenship card. Additional grounds covered are: (i) a minor child whose parent(s) are Indian citizens; (ii) spouse of an Indian citizen or an Overseas Citizen of India cardholder or a person of Indian origin subject to certain conditions; (iii) great grand child of a person who is a citizen of another country, but who meets one of several conditions (for example, he or she must have been a citizen of India at the time of commencement of the Constitution or any time afterwards).
- **Merger of Overseas Citizen of India and Persons of Indian Origin:** Currently, the central government provides for two schemes for Indian origin persons, and their families, the Persons of Indian Origin card and the Overseas Citizen of India card. Persons of Indian Origin enjoy fewer benefits than Overseas Citizens of India. For example, they are entitled to visa free entry into India for 15 years, while Overseas Citizens of India are provided a life-long visa. The Bill provides that the central government may notify that Persons of Indian Origin cardholders shall be considered to be Overseas Citizen of India cardholders from a specified date.
- **Renunciation and cancellation of overseas citizenship:** The Act provides that where a person renounces their overseas citizenship, a minor child of such person who is registered as an Overseas Citizen of India shall also cease to be an Overseas Citizen. In addition to minors, the Bill covers spouses of Overseas Citizen of India cardholders. The Bill also allows the central government to cancel overseas citizenship where it is obtained by the spouse of an Indian citizen or Overseas Citizen of India cardholder or person of Indian origin, if: (i) the marriage is dissolved by a court, or (ii) the spouse enters into another marriage even while the first marriage has not been dissolved.

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