

Bill Summary

The Citizenship (Amendment) Bill, 2015

- The Citizenship (Amendment) Bill, 2015 was introduced in Lok Sabha by the Minister of State, Ministry of Home Affairs, Mr. Haribhai Partibhai Chaudhary on February 27, 2015. The Bill amends the Citizenship Act, 1955.
- The Citizenship Act, 1955 regulates the 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 a government in India for a period of 12 months immediately preceding the date of application. The Bill allows the central government to relax the requirement of 12 months stay or service if special circumstances exist. Relaxation up to 30 days may be permitted.
- **Overseas Citizen of India cardholders:** The Act outlines certain qualifications for registering a person as an Overseas Citizen of India. The Bill provides certain additional grounds for registering for an Overseas Citizen of India card. These are: (i) a minor child whose parent(s) are Indian citizens; or (ii) spouse of foreign origin of an Indian citizen or spouse of foreign origin of an Overseas Citizen of India cardholder subject to certain conditions; or (iii) great-grandchild of a person who is a citizen of another country, but who meets one of several conditions (for example, the great-grandparent must be a citizen of India at the time of commencement of the Constitution or any time afterwards). An Overseas Citizen of India is entitled to some benefits such as a multiple-entry, multi-purpose life-long visa to visit India.
- The Act also provides that any person who is/has been a citizen of Pakistan or Bangladesh or any other country which is notified by the central government will be ineligible to apply for Overseas Citizenship of India. The Bill extends this provision to cover persons whose parents/grandparents/ great-grandparents were citizens of any of the above countries.
- The Bill also introduces a new provision which allows the central government to register a person as an Overseas Citizen of India cardholder even if s/he does not satisfy any of the listed qualifications. This is permissible if special circumstances exist.
- **Merger of Overseas Citizen of India and Persons of Indian Origin schemes:** 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, their minor child shall also cease to be an Overseas Citizen of India. The Bill extends this provision to cover spouses of Overseas Citizen of India cardholders. The Bill also allows the central government to cancel the Overseas Citizenship of India card where it is obtained by the spouse of an Indian citizen or Overseas Citizen of India cardholder, 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.
- **Date of commencement:** The Bill if enacted will be considered to have come into force on January 6, 2015.

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