

CITIZENSHIP

GUIDE-LINES TOWARDS ACQUISITION OF INDIAN CITIZENSHIP

(A) Citizenship by virtue of Article 5/6 of the Constitution of India:-

1. Any person who fulfils any of the following conditions and if he/she has not acquired any foreign nationality and/or foreign Passport, may apply for the Citizen of India under Article 5(a)/5(b)/5(c) of the Constitution of India. The application should be addressed to the Collector/ District Magistrate within whose jurisdiction he/ she ordinarily resident or to the Additional Secretary, Home Department, Foreigners Branch, Citizenship Cell, Block-V, Ground Floor, Writers' Buildings, Kolkata-700001 for transmission of the same to the Central Government through the Home Department, Foreigners Branch, Citizenship Cell of the State Government.

The Conditions are as follows :-

- (a) **Article 5(a)**- At the commencement of the constitution of India, the person has his domicile in the territory of India and he was born in the territory of India.
 - (b) **Article 5(b)**- At the commencement of the constitution of India, the person has his domicile in the territory of India and either of his parents was born in the territory of India.
 - (c) **Article 5(c)** - At the commencement of the constitution of India, the person has his domicile in the territory of India for not less than five years immediately preceding commencement of the Constitution of India.
2. Any person who has migrated to the territory of India from the territory now included in Pakistan at the commencement of India and has not voluntarily acquired the Citizenship of any foreign State, may apply **for being declared as a Citizen of India** under Article 6(a)/(b)(i) of the Constitution of India if –
 - (a) he or either of his parents or any of his grand-parents was born in India as defined in the Govt. of India Act, 1935(as originally enacted); and,
 - (b) in the case where such person has so migrated before the nineteenth day of July,1948, he has been ordinarily resident in the territory of India since the date of his migration.

(B) CITIZENSHIP BY BIRTH (Under Citizenship Act,1955)

3. Any person born in India on or after 26th day of January,1950, may apply an a plain paper with copies of documentary evidence such as Birth Certificate/Hospital discharge Certificate or the like for obtaining “LETTER OF INTIMATION” regarding Citizen of India by birth Under Section 3(1)(a)/3(1)(b)/3(1)(c) of the Citizenship Act,1955. The application should be addressed to The Collector/ District Magistrate within whose jurisdiction he/ she ordinarily resident or to the **Additional Secretary, Home Department, Foreigners Branch, Citizenship Section, Block-V, Ground Floor, Writers' Buildings, Kolkata-700 001.**

NOTE :-No Citizenship Certificate is issued to a person who was born in India.

4. APPLICATION FOR REGISTRATION OF BIRTH UNDER SECTION 4:-

A person may submit an application in the prescribed Form-I for registration of his minor child born outside India in terms of Sub-section (1) of Section 4 to the Indian Consulate in the Country, where such child was born, together with a declaration that the child does not hold the Passport of any other country.

NOTE :-The application in Form-I duly completed in all respects shall be submitted in duplicate to the Indian Mission/Post in the country in which the applicant is ordinarily resident.

5. CITIZENSHIP BY REGISTRATION U/S 5(1)(a)/ 5(1)(c)/5(1)(d)/5(1)(e)/ 5(1)(f)/5(1)(g) OF THE CITIZENSHIP ACT,1955:

5(1)(a)-Any person of Indian origin who arrived in India prior to 25.03.1971 along with the supporting documents prior to 25.03.1971 like Migration Certificate, Educational Testimonials, Deeds of property etc. is ordinarily resident in India for a period of at least seven years (Out of seven years last 12 months continuous stay in India preceding the date of making application in Form-II are obligatory.) may apply through online in Form-II and submit the hard copy in triplicate along with other documents to the Collector/ District Magistrate within whose jurisdiction he/ she ordinarily resident for transmission of the same to the Central Government through the Home Department, Foreigners Branch, Citizenship Cell of the State Government.

Documents to be attached with the application in Form-II.

1. A copy of valid Foreign Passport.
2. A copy of valid Residential Permit.
3. Evidence of date of birth of the parents viz. a copy of Passport or birth certificate.
4. A copy of Bank Challan in original amounting to Rs. 500/- (Five hundred) only towards declaration and oath of allegiance deposited in the State Bank of India under Head No. "0070-Other Administrative Service-Other Services-Receipts under the Citizenship Act". (Code No.00706010200127)

5(1)(c)-Any person who has been married to an Indian Citizen for not less than seven Years (Out of nine years, last 12 months continuous stay in India preceding the date of making application in Form-III are obligatory) may apply through online in Form-III and submit the hard copy in triplicate along with other documents to the Collector/ District Magistrate within whose jurisdiction he/ she ordinarily resident for transmission of the same to the Central Government through the Home Department, Foreigners Branch, Citizenship Cell of the State Government.

Documents to be attached with the application in Form-III.

1. A copy of the valid Foreign Passport.
2. A copy of the valid Residential Permit.

3. Evidence of his/her husband's/wife's Indian nationality viz. copy of Indian Passport or Birth Certificate.
4. A copy of Marriage Certificate issued by the Registrar of Marriage.
5. Original S.B.I.'s Challan amounting to Rs. 500/-(five hundred)only as an initial fee deposited under Head No. "0070-Other Administrative Services-Other Services-Receipts under the Citizenship Act". (Code No.00706010200127).

5(1)(d)-Application for registration of a minor child may be made through online in Form-IV by a parent/ guardian u/s 5(1)(d) of the Citizenship Act,1955, provided that both the parents of the minor child are Indians holding Indian Citizenship Certificate or Indian Passport or Birth Certificate and hard copy of the application in Form IV in triplicate along with other documents to the Collector/ District Magistrate within whose jurisdiction he/ she ordinarily resident for transmission of the same to the Central Government through the Home Department, Foreigners Branch, Citizenship Cell of the State Government.

Documents to be attached with the application in Form-IV.

1. A copy of valid Foreign Passport.
2. A copy of the valid Residential Permit.
3. Proof of Indian Citizenship of both the parents viz. Copy of Indian Passport/Birth Certificate.
4. Original S.B.I.'s Challan amounting to Rs. 250/-(two hundred fifty)only as an initial fee deposited under Head No. "0070-Other Administrative Services-Other Services-Receipts under the Citizenship Act". (Code No.00706010200127)
5. In Case of Guardian, enclose proof of Guardianship.

5(1)(e)- Application for registration as a Citizen of India u/s 5(1)(e) of the Citizenship Act,1955, may be made through online in the prescribed Form-V by a person if his/her parents are registered as Citizen of India u/s 5(1)(a) or 6(1) of the Citizenship Act,1955,and the hard copy of the application in Form V in triplicate along with other documents to the Collector/ District Magistrate within whose jurisdiction he/ she ordinarily resident for transmission of the same to the Central Government through the Home Department, Foreigners Branch, Citizenship Cell of the State Government.

Documents to be attached with the application in Form-V.

1. A copy of valid Foreign Passport.
2. A copy of the valid Residential Permit
3. Copies of Indian Citizenship Certificates issued u/s 5(1)(a) or 6(1) of the Citizenship Act,1955, of both the parents.
4. Original S.B.I.'s Challan amounting to Rs. 500/-(five hundred)only as an initial fee deposited under Head No. "0070-the Administrative Services-Other Services-Receipts under the Citizenship Act". (Code No.00706010200127).

5(1)(f)- Application in Form-VI for registration as a Citizen of India u/s 5(1)(f) of the Citizenship Act,1955, may be made through online by a person who or either of the parents was a Citizen of Independent India provided that he/she has resided in India continuously for a period of 12 months immediately preceding the date of making application in Form-VI and the hard copy of the application in Form VI in triplicate along with other documents to the Collector/ District Magistrate within whose jurisdiction he/ she ordinarily resident for transmission of the same to the Central Government through the Home Department, Foreigners Branch, Citizenship Cell of the State Government.

Documents to be attached with the application in FormVI .

- 1 A copy of valid Foreign Passport.
- 2 A copy of the valid Residential Permit.
- 3 Evidence that the applicant or either of his parents was a Citizen of Independent India.
4. Original S.B.I.'s Challan amounting to Rs. 500/-(five hundred)only as an initial fee deposited under Head No. "0070-Other Administrative Services-Other Services-Receipts under the Citizenship Act". (Code No.00706010200127).

5(1)(g)- Application in Form-VII for registration as a Citizen of India u/s 5(1)(g)of the Citizenship Act, 1955, may be made through online by a person who is registered as an **Overseas Citizen of India** under section 7A provided that (a) he/she has resided in India Continuously for a period of 12 months immediately preceding the date of making application in Form-VII and (b) during the eight years immediately preceding the said twelve months if he/she has resided in India for a period amounting in the aggregate to not less than six years. He /She has been an Overseas of Citizen of India for a period of at least five years.

The hard copy of the application in Form VII in triplicate along with other documents shall be submitted to the Collector/ District Magistrate within whose jurisdiction he/ she ordinarily resident for transmission of the same to the Central Government through the Home Department, Foreigners Branch, Citizenship Cell of the State Government.

Documents to be attached with the application in Form-III.

1. A copy of valid Foreign Passport.
2. A copy of the Certificate of Registration as Overseas Citizen of India under Section 7A.
3. Original S.B.I.'s Challan amounting to Rs. 500/-(five hundred) only as an initial fee deposited under Head No. "0070-Other Administrative Services-Other Services-Receipts under the Citizenship Act". (Code No.00706010200127).

6. CITIZENSHIP BY NATURALISATION U/S 6(1) OF THE CITIZENSHIP ACT,1955:

6(1) :- Application in Form-VIII for registration as a Citizen of India u/s 6(1) of the Citizenship Act,1955, may be made through online by a person if he/she has resided in India Continuously for a period of 12 months immediately preceding the date of making application in Form-VIII and during the fourteen years immediately preceding the said period of twelve months if he/she has resided in India for a period amounting in the aggregate to not less than eleven years.

The hard copy of the application in Form VIII in triplicate along with other documents shall be submitted to the Collector/ District Magistrate within whose jurisdiction he/ she ordinarily resident for transmission of the same to the Central Government through the Home Department, Foreigners Branch, Citizenship Cell of the State Government.

Documents to be attached with the application in Form-VIII.

1. A copy of valid Foreign Passport.
2. A copy of valid Residential Permit.
3. A copy of Bank Challan in original amounting to Rs.1500/-(one thousand five hundred) only deposited in the State Bank of India under Head No. "0070-Other Administrative Services-Other Services-Receipts under the Citizenship Act".
4. One Affidavit from self (applicant) and two Affidavits from two Indians testifying to the Character of the applicant in the prescribed language available in the application Form.
5. Two language Certificates Certifying the applicant's knowledge in any one of the Indian languages specified in the Eighth Schedule of the Constitution (A language certificate from a recognized educational institution or from a recognized organization or from two Indian Citizens of the District of the applicant).
6. The newspaper (Circulating in the District in which the applicant resides) cuttings of different dates or of different newspapers notifying his intension to apply for citizenship in the prescribed language in the application form.

7. NATIVITY CERTIFICATE FOR REGISTRATION AS AN OCI :-

Application in Form-XXVIII for registration as an Overseas Citizen of India under section 7A of the Citizenship Act, may be made by a person who is a holder of PIO card if he/she is not or had not been a Citizen of Pakistan or Bangladesh at any time. A family consisting of a spouse and upto two minor children may apply in the same Form.

Primary evidence for eligibility for OCI : Documents issued by or under the authority of any law in India • Copy of passport or • Copy of domicile certificate issued by the competent authority or • Any other proof (birth certificate, school leaving certificate , domicile certificate , bank accounts, title deeds of properties) .

• **Nativity Certificate** :- when applicant is unable to produce primary evidence of his/her Indian origin (application for Nativity certificate and Nativity certificate. Nativity Certificate will be issued by the State Government in India by an authority not below a District Collector/ District Magistrate about an applicant being PIO eligible for registration as OCI.

Secondary evidence: Documents issued outside India by or under the authority of a foreign sovereign government. • Passport of foreign country indicating the place of birth of the applicant in India • Any other documents satisfactorily proving the residence/nationality as an Indian While primary evidence could be accepted as conclusive evidence, secondary evidence may be referred to M/OIA, whenever in doubt. 8. Evidence of relationship as parents/grandparent, if their Indian origin is claimed as basis for grant of Overseas Citizenship of India 9. PIO Card holders must also submit a copy of their PIO Card

Outside India :-(i) to the Indian Mission or Post having jurisdiction over the country of which an applicant is a citizen ,or (ii) where he is not in the country of his citizenship, to the Indian Mission or Post having jurisdiction over the country of which the applicant is ordinarily resident.

NOTE: - (1) NATIVITY CERTIFICATE will be obtained from the office of the concerned District Collector/District Magistrate within whose jurisdiction the applicant ordinarily resides.

(2) A certificate from the first class **Magistrate**/District Magistrate regarding the place of birth or residence of parents/grand parents may be accepted in stead of PIO card.

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Web address for Application for Indian Citizenship.

<http://indiancitizenshiponline.nic.in>