

### 3.3. Citizenship by Registration [Section 5]

Indian Citizenship by registration can be acquired (**not for an illegal migrant**). For this section, a person shall be **deemed to be a Person of Indian origin** if he, or either of his parents, was born in undivided India or in such other territory which became part of India after 15th day of August 1947.

To acquire citizenship by registration, a person should fulfil the following conditions-

- Persons of Indian origin who are **ordinarily resident in India for SEVEN YEARS** before making application under this section. (Throughout the period of twelve months immediately before making application and for SIX YEARS in the aggregate in the EIGHT YEARS preceding the twelve months).
- Persons of Indian origin who are **ordinarily resident in any country** or place outside undivided India under this section.
- Persons who are **married to a citizen of India** and who are **ordinarily resident** in India for **SEVEN YEARS** before making application under this section.
- **Minor** children whose **both parents are Indian citizens** under this section.

Further, Persons of full age and capacity can also acquire Indian citizenship under this section, if-

- **Both their parents are registered** as citizens of India.
- He or either of the parents were **earlier citizen of Independent India** and residing in India for **ONE YEAR** immediately before making application.
- He has been registered as an **Overseas Citizen of India (OCI)** for **5 years** and residing in India for **ONE YEAR** before making application.

All the above categories of persons **must take an oath of allegiance** before they are registered as citizens of India

### 3.4. Citizenship by Naturalization (Section 6)

Citizenship of India by naturalization can be acquired **by a foreigner (not illegal migrant)** who is ordinarily resident in India for **TWELVE YEARS** (throughout the period of twelve months immediately preceding the date of application and for **ELEVEN YEARS** in the aggregate in the **FOURTEEN YEARS** preceding the twelve months) and **other qualifications** as specified in Third Schedule to the Act, such as-

- He should not be subject or citizen of any country where **citizens of India are prevented from becoming subjects or citizens** of that country by naturalization.
- If he is a citizen of any country, he **undertakes to renounce the citizenship of that country** in the event of his application for Indian citizenship being accepted.
- He is of **good character**.
- He has an **adequate knowledge of a language** specified in the **Eighth Schedule** to the Constitution.
- He intends to reside in India, or to enter into or continue in, service under a Government in India or under an international organization of which India is a member.

The Government of India, **may waive all or any of the above conditions for naturalization**, if in its opinion, the person has rendered distinguished services to the cause of **science, philosophy, art, literature, world peace or human progress** generally. Recently, the period of residence to acquire citizenship under this section was reduced for some special cases under the **Citizenship (Amendment) Act 2019** (taken up in detail later in this chapter).

All such persons who acquire citizenship by naturalization, shall take **an oath of allegiance** to the Constitution of India.