

7. Citizenship by incorporation of territory.—If any territory becomes a part of India, the Central Government may, by order notified in the Official Gazette, specify the persons who shall be citizens of India by reason of their connection with that territory; and those persons shall be citizens of India as from the date to be specified in the order.

¹[OVERSEAS CITIZENSHIP]

²7A. Registration of overseas citizens of India.—(1) The Central Government may, subject to such conditions and restrictions as may be prescribed, on an application made in this behalf, register any person as an overseas citizen of India—

- (a) any person of full age and capacity,—
 - (i) who is citizen of another country, but was a citizen of India at the time of, or at any time after, the commencement of the Constitution; or
 - (ii) who is citizen of another country, but was eligible to become a citizen of India at the time of the commencement of the Constitution; or
 - (iii) who is citizen of another country, but belonged to a territory that became part of India after the 15th day of August, 1947; or
 - (iv) who is a child or a grand-child of such a citizen; or
- (b) a person, who is a minor child of a person mentioned in clause (a):

Provided that no person, who is or had been a citizen of Pakistan, Bangladesh or such other country as the Central Government may, by

1. Ins. by Act 6 of 2004, sec. 7 (w.e.f. 3-12-2004).

2. Subs. by the **Citizenship (Amendment) Act, 2005**, sec. 4 (w.r.e.f. 28-6-2005), for section "7A. Registration of overseas citizens.—(1) The Central Government may, subject to such conditions and restrictions including the condition of reciprocity as may be prescribed, on an application made in this behalf, register any person as an overseas citizen of India if—

- (a) that person is of Indian origin of full age and capacity who is a citizen of a specified country; or
- (b) that person is of full age and capacity who has obtained the citizenship of a specified country on or after the commencement of the Citizenship (Amendment) Act, 2003 and who was a citizen of India immediately before such commencement; or
- (c) that person is a minor of a person mentioned in clause (a) or clause (b).

(2) The person registered as an overseas citizen of India under sub-section (1) shall be an overseas citizen of India as from the date on which he is so registered.

(3) No person who has been deprived of his Indian citizenship under this Act shall be registered as an overseas citizen of India under sub-section (1) except by an order of the Central Government.

Explanation.—For the purposes of this section and sections 7B, 7C and 7D, the expression "person of Indian origin" shall mean a citizen of another country who—

- (i) was eligible to become a citizen of India at the time of the commencement of the Constitution;
- (ii) belonged to a territory that became part of India after the 15th day of August, 1947; and
- (iii) the children and grand-children of a person covered under clauses (i) and (ii); but does not include a person who is or had been at any time a citizen of Pakistan, Bangladesh or such other country as the Central Government may, by notification in the Official Gazette, specify."

notification in the Official Gazette, specify, shall be eligible for registration as an overseas citizen of India.]

COMMENTS

The Central Government has specified the following rights to which the persons registered as Overseas Citizens of India under section 7A of the Act shall be entitled, namely:—

- (a) grant of multiple entry lifelong visa for visiting India for any purpose;
- (b) exemption from registration with Foreign Regional Registration Officer or Foreign Registration Officer for any length of stay in India; and
- (c) parity with Non-Resident Indians in respect of all facilities available to them in economic, financial and educational fields except in matters relating to the acquisition of agricultural or plantation properties.

[Vide S.O. 542 (E), dated 11th April, 2005, published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), dated 11th April, 2005.]

¹[7B. **Conferment of rights on overseas citizens of India.**—(1) Notwithstanding anything contained in any other law for the time being in force, an overseas citizen of India shall be entitled to such rights [other than the rights specified under sub-section (2)] as the Central Government may, by notification in the Official Gazette, specify in this behalf.

(2) An overseas citizen of India shall not be entitled to the rights conferred on a citizen of India—

- (a) under article 16 of the Constitution with regard to equality of opportunity in matters of public employment;
- (b) under article 58 of the Constitution for election as President;
- (c) under article 66 of the Constitution for election of Vice-President;
- (d) under article 124 of the Constitution for appointment as a Judge of the Supreme Court;
- (e) under article 217 of the Constitution for appointment as a Judge of the High Court;
- (f) under section 16 of the Representation of the People Act, 1950 (43 of 1950) in regard to registration as a voter;
- (g) under sections 3 and 4 of the Representation of the People Act, 1951 (43 of 1951) with regard to the eligibility for being a member of the House of the People or of the Council of States, as the case may be;
- (h) under sections 5, 5A and 6 of the Representation of the People Act, 1951 (43 of 1951) with regard to the eligibility for being a member of the Legislative Assembly or a Legislative Council, as the case may be, of a State;
- (i) for appointment to public services and posts in connection with the affairs of the Union or of any State except for appointment in such services and posts as the Central Government may by special order in that behalf specify.

(3) Every notification issued under sub-section (1) shall be laid before each House of Parliament.]

1. Ins. by Act 6 of 2004, sec. 7 (w.e.f. 3-12-2004).

¹[7C. **Renunciation of overseas citizenship.**—(1) If any overseas citizen of India of full age and capacity makes in the prescribed manner a declaration renouncing his overseas citizenship of India, the declaration shall be registered by the Central Government, and; upon such registration, that person shall cease to be an overseas citizen of India.

(2) Where a person ceases to be an overseas citizen of India under sub-section (1), every minor child of that person registered as an overseas citizen of India, shall thereupon cease to be an overseas citizen of India.]

¹[7D. **Cancellation of registration as overseas citizen of India.**—The Central Government may, by order, cancel the registration granted under sub-section (1) of section 7A if it is satisfied that—

- (a) the registration as an overseas citizen of India was obtained by means of fraud, false representation or the concealment of any material fact; or
- (b) the overseas citizen of India has shown disaffection towards the Constitution of India as by law established; or
- (c) the overseas citizen of India has, during any war in which India may be engaged, unlawfully traded or communicated with an enemy or been engaged in, or associated with, any business or commercial activity that was to his knowledge carried on in such manner as to assist an enemy in that war; or
- (d) the overseas citizen of India has, within five years after registration under sub-section (1) of section 7A has been sentenced to imprisonment for a term of not less than two years; or
- (e) it is necessary so to do in the interest of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country, or in the interests of the general public.]

TERMINATION OF CITIZENSHIP

8. Renunciation of citizenship.—(1) If any citizen of India of full age and capacity, ²[***] makes in the prescribed manner a declaration renouncing his Indian Citizenship, the declaration shall be registered by the prescribed authority; and, upon such registration, that person shall cease to be a citizen of India:

Provided that if any such declaration is made during any war in which India may be engaged, registration thereof shall be withheld until the Central Government otherwise directs.

(2) Where ³[a person] ceases to be a citizen of India under sub-section (1) every minor child of that person shall thereupon cease to be a citizen of India:

Provided that any such child may, within one year after attaining full age, make a declaration ⁴[in the prescribed form and manner] that he wishes to resume Indian citizenship and shall thereupon again become a citizen of India.

⁵[***]

COMMENTS

A person who gives up his claim to Indian citizenship cannot claim right of residence on the basis of his domicile; *A.H. Magermans v. S.K. Ghose*, AIR 1966 Cal 552.

1. Ins. by Act 6 of 2004, sec. 7 (w.e.f. 3-12-2004).

2. The words "who is also a citizen or national of another country", omitted by Act 6 of 2004, sec. 8 (w.e.f. 3-12-2004).

3. Subs. by Act 39 of 1992, sec. 3, for "a male person" (w.e.f. 10-12-1992).

4. Ins. by Act 6 of 2004, sec. 8 (w.e.f. 3-12-2004).

5. Sub-section (3) omitted by Act 6 of 2004, sec. 8 (w.e.f. 3-12-2004). (See Annexe 1)