

AS PASSED BY THE RAJYA SABHA
ON 13TH AUGUST, 2013

Bill No. XLVIII-C of 2011

THE CITIZENSHIP (AMENDMENT) BILL, 2013

(AS PASSED BY THE RAJYA SABHA)

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BILL

further to amend the Citizenship Act, 1955.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Citizenship (Amendment) Act, 2013.

Short title and
commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

57 of 1955. 2. In the Citizenship Act, 1955 (hereinafter referred to as the principal Act), in section 2,—

Amendment
of section 2.

(i) for clause (ee), the following clause shall be substituted, namely:—

10 ‘(ee) “overseas Indian cardholder” means a person registered as an overseas Indian cardholder by the Central Government under section 7A;’;

(ii) after clause (f), the following clause shall be inserted, namely:—

‘(ff) “person of Indian Origin” means a person who or either of whose parents, was born in undivided India or in such other territories which became part of India after the 15th day of August, 1947;’.

Amendment
of section 5.

3. In section 5 of the principal Act, in sub-section (1),—

(a) in clause (f), for the words “has been residing”, the words “is ordinarily resident” shall be substituted;

(b) in clause (g), for the words “has been residing”, the words “is ordinarily resident” shall be substituted;

(c) for *Explanation 1* and 2, the following *Explanation* shall be substituted, namely:—

“*Explanation 1.*—An applicant shall be deemed to be ordinarily resident of India for the purpose of,—

(i) clauses (a), (c), (f) and (g), if he has resided in India throughout the period of twelve months immediately before making an application for registration:

Provided that if the Central Government is satisfied that special circumstances exist, it may after recording the circumstances in writing relax the period of twelve months specified in clause (i) for a period not exceeding thirty days; and

(ii) clauses (a) and (c), if the applicant has also resided in India during the eight years immediately preceding the said period of twelve months for a period of twelve months for a period of not less than six years.”.

Substitution of
new sections
for sections
7A, 7B, 7C
and 7D.

4. For sections 7A, 7B, 7C and 7D of the principal Act, the following sections shall be substituted, namely:—

Registration
of overseas
Indian
cardholder.

“7A. The Central Government may, subject to such conditions and restrictions as may be prescribed, on an application made in this behalf, register as an overseas Indian cardholder—

(a) any person of full age and capacity,—

(i) who is a 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 a 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 a 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 or a great grand child of such a citizen; or

(b) a person, who is a minor child of a person mentioned in clause (a); or

(c) a person, who is a minor child, and whose both parents are citizens of India or one of the parents is a citizen of India; or

(d) such spouse of a citizen of India or spouse of an overseas Indian cardholder registered under clause (a) or spouse of a person of Indian origin who is a citizen of another country and whose marriage has been registered and subsisted for a continuous period of not less than two years immediately preceding the presentation of the application under this section:

Provided that for the eligibility for registration as an overseas Indian cardholder, such spouse shall be subjected to prior security clearance from a competent authority in India:

Provided further that no person, who is or had been a citizen of Pakistan, Bangladesh or such other country as the Central Government may, by notification in the Official Gazette, specify, shall be eligible for registration as an overseas Indian cardholder.

5 7B. (1) Notwithstanding anything contained in any other law for the time being in force, an overseas Indian cardholder 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. Conferment of rights on overseas Indian cardholder.

10 (2) An overseas Indian cardholder 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;

15 (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;

43 of 1950. 20 (f) under section 16 of the Representation of the People Act, 1950 in regard to registration as a voter;

43 of 1951. (g) under sections 3 and 4 of the Representation of the People Act, 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;

43 of 1951. 25 (h) under sections 5, 5A and 6 of the Representation of the People Act, 1951 with regard to 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 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.

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

35 7C. (1) If any overseas Indian cardholder of full age and capacity makes in prescribed manner a declaration renouncing the card registering him as an overseas Indian cardholder, the declaration shall be registered by the Central Government, and upon such registration, that person shall cease to be an overseas Indian cardholder. Renunciation of overseas Indian card.

(2) Where a person ceases to be an overseas Indian cardholder under sub-section (1), the spouse and every minor child of such person registered as an overseas Indian cardholder shall thereupon cease to be an overseas Indian cardholder.

40 7D. The Central Government may, by order, cancel the registration granted under sub-section (1) of section 7A if it is satisfied that— Cancellation of registration as overseas Indian cardholder.

(a) the registration as an overseas Indian cardholder was obtained by means of fraud, false representation or the concealment of any material fact; or

(b) the overseas Indian cardholder has shown disaffection towards the Constitution of India as by law established; or

45 (c) the overseas Indian cardholder 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 Indian cardholder 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; or 5

(f) the marriage of an overseas Indian cardholder, who has obtained such card under clause (d) of section 7A,—

(i) has been dissolved by a competent court of law or otherwise; or

(ii) has not been dissolved but, during the subsistence of such marriage, he has solemnised marriage with any other person.”. 10

Amendment
of Third
Schedule.

5. In the Third Schedule to the principal Act, in clause (c), the following proviso shall be inserted, namely:—

“Provided that if the Central Government is satisfied that special circumstances exist, it may, after recording such circumstances in writing, relax such period by a period not exceeding thirty days.”. 15

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(As passed by the Rajya Sabha)