

applicable to the father had he died after the commencement of this Act shall be deemed to be the status or description applicable to him at the time of his death.

(4) For the purposes of this Act, a person shall be deemed to be of full age if he is not a minor and of full capacity if he is not of unsound mind.

COMMENTS

(i) The Citizenship Act and the Constitution are completely exhaustive of the citizenship of this country and these citizens can only be natural persons, the fact that corporations may be nationals of the country for purposes of International laws will not make them citizens of this country for purposes of Municipal Law or the Constitution; *State Trading Corporation of India v. Commercial Tax Officer*, AIR 1963 SC 1811: (1964) 45 SCR 99.

(ii) Nationality and Citizenship are not interchangeable terms; *State Trading Corporation of India v. Commercial Tax Officer*, AIR 1963 SC 1811: (1964) 4 SCR 99.

(iii) "Citizenship" has nothing to do with a juristic person. "Person" means a natural person and not any legal entity; *State Trading Corporation of India v. Commercial Tax Officer*, AIR 1963 SC 1811: (1964) 4 SCR 99.

ACQUISITION OF CITIZENSHIP

3. Citizenship by birth.—[(1) Except as provided in sub-section (2), every person born in India,—

- (a) on or after the 26th day of January, 1950, but before the commencement of the Citizenship (Amendment) Act, 1986;
- (b) on or after such commencement and either of whose parents is a citizen of India at the time of his birth,

shall be a citizen of India by birth.]

(2) A person shall not be such a citizen by virtue of this section if at the time of his birth—

- (a) his father possesses such immunity from suits and legal process as is accorded to an envoy of a foreign sovereign power accredited to the President of India and is not a citizen of India; or
- (b) his father is an enemy alien and the birth occurs in a place then under occupation by the enemy.

4. Citizenship by descent.—(1) [A person born outside India,—

- (a) on or after the 26th January, 1950, but before the commencement of the Citizenship (Amendment) Act, 1992, shall be a citizen of India by descent if his father is a citizen of India at the time of his birth; or
- (b) on or after such commencement, shall be a citizen of India by descent of either of his parents is a citizen of India at the time of his birth.]

Provided that if the father of such a person [referred to in clause (a)] was a citizen of India by descent only, that person shall not be a citizen of India by virtue of this section unless—

1. Subs. by Act 51 of 1986, sec. 2 (w.e.f. 1-7-1987).
2. Subs. by Act 39 of 1992, sec. 2 (w.e.f. 10-12-1992).
3. Ins. by Act 39 of 1992, sec. 2 (w.e.f. 10-12-1992).