

Citizenship Act, 1955

Section 3 - Citizenship by Birth

1[Section 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 1st day of July, 1987;

(b) on or after the 1st day of July, 1987, but before the commencement of the Citizenship (Amendment) Act, 2003 and either of whose parents is a citizen of India at the time of his birth;

(c) on or after the commencement of the Citizenship (Amendment) Act, 2003, where-

(i) both of his parents are citizens of India; or

(ii) one of whose parents is a citizen of India and the other is not an illegal migrant at the time of his birth,

shall be a citizen of India by birth.

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

(a) either his father or mother 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 he or she, as the case may be, is not a citizen of India; or (b) his father or mother is an enemy alien and the birth occurs in a place then under occupation by the enemy.].

1. Section 3 Substituted by Citizenship Amdt Act, 2003 (6 of 2004) for the following:

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

(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. "