

STAATS- UND VERWALTUNGSRECHT

INDISCHE UNION

Das indische Staatsangehörigkeitsgesetz vom 30. Dezember 1955

Vorbemerkung

Das am 1. Januar 1949 in Kraft getretene britische Staatsangehörigkeitsgesetz (British Nationality Act, 1948)¹⁾ zählt in Section 1 (3) Länder auf, deren auf Grund ihrer Gesetzgebung erworbene Staatsangehörigkeit (*citizenship*) automatisch den Status eines "British subject" bzw. "Commonwealth citizen" verleiht. Diese Länder sind Kanada, Australien, Neuseeland, Südafrikanische Union, Neufundland, Indien, Pakistan, Südrhodesien und Ceylon. Der Erwerb der Staatsangehörigkeit eines dieser Länder zieht also den Erwerb der britischen Staatsangehörigkeit nach sich. Die gleiche Wirkung hat der Erwerb der "Citizenship of the United Kingdom and Colonies". Alle oben aufgezählten Länder haben eigene Staatsangehörigkeitsgesetze erlassen²⁾.

Bis vor kurzem bildete Indien die einzige Ausnahme³⁾. Die indische Verfassung vom 26. November 1949⁴⁾ (Art. 5 ff.) hat die Abgrenzung der Personalhoheit Indiens gegenüber fremden Staaten und speziell gegenüber Pakistan im Zeitpunkt ihres Inkrafttretens, aber keine weitere Regelung von Staatsangehörigkeitsfragen gebracht. Diese Lücke hat erst das Staats-

¹⁾ 11 & 12 Geo. 6 Ch. 56. – Im deutschen Schrifttum siehe vor allem W e n g l e r, Das neue britische Staatsangehörigkeitsrecht: Archiv des öffentlichen Rechts, Bd. 75 (1949), S. 26 ff.; H a m p e, Das Staatsangehörigkeitsrecht von Großbritannien (Sammlung geltender Staatsangehörigkeitsgesetze, Bd. 6), 1951.

²⁾ Siehe die Aufzählung bei J. Mervyn J o n e s, British Nationality Law, 2. Aufl., Oxford 1956, S. 279 ff. Die Texte der einzelnen Gesetze sind abgedruckt in Laws concerning Nationality (United Nations Legislative Series). – Da Neufundland Kanada angegliedert wurde, findet daselbst die kanadische Regelung der Staatsangehörigkeit Anwendung, die in den Jahren 1949 und 1950 entsprechend ergänzt wurde (a. a. O., S. 92, 126).

³⁾ Vgl. Clive P a r r y, Commonwealth Citizenship with special Reference to India, 1954; Nationality and citizenship laws of the Commonwealth and of the Republic of Ireland, 1957, S. 836 ff.

⁴⁾ Siehe Laws concerning Nationality (United Nations Legislative Series), 1954, S. 229 f.; Mervyn J o n e s, a. a. O., S. 219 f.

angehörigkeitsgesetz vom 30. Dezember 1955 (The Citizenship Act, 1955) ⁵⁾ ausgefüllt.

Der Entwurf dieses Gesetzes wurde am 2. Mai 1955 der „Volkskammer“ (*Lok Sabha*) vorgelegt ⁶⁾. Am 9. August 1955 hat die Kammer beschlossen, den Entwurf in einer aus Mitgliedern der beiden Häuser des Parlaments gebildeten Kommission beraten zu lassen ⁷⁾. Der „Staatenrat“ (*Rajya Sabha*) hat am 8. September 1955 diesem Beschluß zugestimmt. Die gemischte Kommission bestand aus 30 Mitgliedern der Volkskammer und 15 Mitgliedern des Staatenrats. Sie hielt vier Sitzungen ab und hat ihren Bericht am 20. November 1955 angenommen ⁸⁾. Der ursprüngliche Entwurf hat in der Gemischten Kommission einige nicht sehr wesentliche Änderungen und Ergänzungen erfahren und am 30. Dezember 1955 Gesetzeskraft erlangt. Am 7. Juli 1956 ergingen Ausführungsbestimmungen ⁹⁾.

Der indische Gesetzgeber hat sein Staatsangehörigkeitsrecht auf der Grundlage des British Nationality Act von 1948 aufgebaut. Er hat aus dem britischen Gesetz nicht nur die systematische Einteilung, sondern auch eine Anzahl von Bestimmungen *mutatis mutandis* übernommen. In dieser kurzen Vorbemerkung möchte ich nur über die wesentlichsten Abweichungen des indischen Gesetzes von dem britischen berichten.

Die Bestimmungen über den Erwerb der indischen Staatsangehörigkeit durch Geburt schließen sich an die des britischen Gesetzes an (also *ius soli* bei Geburt im Inlande und unter gewissen Voraussetzungen *ius sanguinis* bei Geburt im Auslande). Die in einem der *dissents* vorgeschlagene Übertragung der indischen Staatsangehörigkeit *iure sanguinis* nicht nur durch den indischen Vater, sondern auch durch die indische Mutter, wurde nicht angenommen, und es blieb bei der britischen Regelung, die allein an die Staatsangehörigkeit des Vaters anknüpft.

Was den Erwerb der indischen Staatsangehörigkeit durch **R e g i s t r i e - r u n g** anbetrifft, so muß hervorgehoben werden, daß ein solcher Erwerb Personen indischer Herkunft (*persons of Indian origin*) zusteht (sec. 5 (1) a und b), wobei als solche Personen alle diejenigen betrachtet werden, die entweder selbst oder einer ihrer Eltern oder Großeltern im „ungeteilten“ Indien (also im heutigen Indien oder Pakistan) geboren sind (Explanation zu sec. 5

⁵⁾ The Gazette of India, Extraordinary, Part II, Section 1, 1955, S. 561 ff.; Clive Parry, a. a. O., S. 861 ff.; deutsche Übersetzung bei Bergmann, Internationales Ehe- und Kindschaftsrecht, 3. Aufl., Bd. 2, J 3: Indien, S. 3–8.

⁶⁾ Report of the Joint Committee: The Gazette of India, Extraordinary, Part II, Section 2, 1955, S. 702 C. ⁷⁾ A. a. O.

⁸⁾ A. a. O. – Dem Bericht liegen sechs „Minutes of Dissent“ der einzelnen Kommissionsmitglieder bei: a. a. O., S. 702 F ff.

⁹⁾ The Citizenship Rules, 1956: The Gazette of India, Extraordinary, Part II, Section 3, 1956, S. 1597 ff.

(1)). Nach dem Wortlaut des Gesetzes kommt es also auf die Volkszugehörigkeit nicht an.

Die Voraussetzungen der Einbürgerung, die nach dem Vorbild des britischen Gesetzes in einem Anhang aufgezählt sind (the third Schedule), weichen von diesem Vorbild insoweit ab, als eine Einbürgerung von Personen für unzulässig erklärt wird, die einem Staate angehören, nach dessen Gesetzen oder Praxis indische Staatsangehörige nicht eingebürgert werden dürfen (third Schedule (a)). Weiterhin wird entgegen dem britischen Gesetz als Voraussetzung der Einbürgerung die Ausbürgerung gemäß den Gesetzen des früheren Heimatstaates und die Notifikation einer solchen Ausbürgerung an die indische Zentralregierung betrachtet (third Schedule (b)). Statt der hinreichenden Kenntnis der englischen Sprache (British Nationality Act, second Schedule (d)) wird schließlich die Kenntnis einer der vierzehn in der 8. Anlage zu der indischen Verfassung aufgezählten indischen Sprachen als Voraussetzung der Einbürgerung gefordert.

Eine sehr wesentliche Abweichung von der Regelung im British Nationality Act bildet die Bestimmung des indischen Gesetzes, nach welcher der freiwillige Erwerb einer fremden Staatsangehörigkeit automatisch den Verlust der indischen nach sich zieht (sec. 9): nach britischem Gesetz geht die Staatsangehörigkeit in einem solchen Fall nur durch eine spezielle Verzichtserklärung verloren (sec. 19). Es muß aber erwähnt werden, daß die Regelung des indischen Staatsangehörigkeitsgesetzes auch in den Staatsangehörigkeitsetzen von Australien (sec. 17), Kanada (sec. 15) und der Südafrikanischen Union (sec. 15) zu finden ist. Eine Ausnahme besteht im indischen Gesetz nur für den Fall, daß der Erwerb der fremden Staatsangehörigkeit während eines Krieges erfolgt, an dem Indien teilnimmt: unter dieser Voraussetzung geht die indische Staatsangehörigkeit nicht verloren, soweit die indische Zentralregierung nicht etwas anderes anordnet.

Das indische Gesetz kennt auch Ausbürgerungen, die unter gewissen Voraussetzungen von der Zentralregierung ausgesprochen werden dürfen (sec. 10). In einem der *dissents* zu dem von dem Joint Committee angenommenen Entwurf wurde die Ansicht vertreten, daß die Ausbürgerung nicht der Verwaltung, sondern den Gerichten vorbehalten werden sollte¹⁰). Diese Ansicht hat sich nicht durchgesetzt.

Zusammenfassend muß gesagt werden, daß das indische Staatsangehörigkeitsgesetz nur wenige Abweichungen vom British Nationality Act aufweist. Die von diesem vorgesehene Reihe der Staatsangehörigkeitsetze von Commonwealth-Staaten ist mit dem indischen Gesetz vollständig geworden.

M a k a r o v

¹⁰) The Gazette of India, Extraordinary, Part II, Section 2, 1955, S. 702 G.

The Citizenship Act, 1955¹⁾

No. 57 of 1955

[30th December, 1955]

An act to provide for the acquisition and termination of Indian citizenship.

BE it enacted by Parliament in the Sixth Year of the Republic of India as follows:—

1. Short title

This Act may be called the Citizenship Act, 1955.

2. Interpretation

(1) In this Act, unless the context otherwise requires,—

(a) “a Government in India” means the Central Government or a State Government;

(b) “citizen”, in relation to a country specified in the First Schedule, means a person who, under the citizenship or nationality law for the time being in force in that country, is a citizen or national of that country;

(c) “citizenship or nationality law”, in relation to a country specified in the First Schedule, means an enactment of the legislature of that country which, at the request of the Government of that country, the Central Government may, by notification in the Official Gazette, have declared to be an enactment making provision for the citizenship or nationality of that country:

Provided that no such notification shall be issued in relation to the Union of South Africa except with the previous approval of both Houses of Parliament;

(d) “Indian consulate” means the office of any consular officer of the Government of India where a register of births is kept, or where there is no such office, such office as may be prescribed;

(e) “minor” means a person who has not attained the age of eighteen years;

(f) “person” does not include any company or association or body of individuals, whether incorporated or not;

(g) “prescribed” means prescribed by rules made under this Act;

(h) “undivided India” means India as defined in the Government of India Act, 1935, as originally enacted.

(2) For the purposes of this Act, a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the Government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(3) Any reference in this Act to the status or description of the father of a person at the time of that person’s birth shall, in relation to a person born after the death of his father, be construed as a reference to the status or description of the father at the time of the father’s death; and where that death occurred before, and

¹⁾ The Gazette of India, Extraordinary, Part II, Section 1, 1955, No. 66, S. 561 ff.

the birth occurs after, the commencement of this Act, the status or description which would have been 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.

Acquisition of Citizenship

3. Citizenship by birth

(1) Except as provided in sub-section (2) of this section, every person born in India on or after the 26th January, 1950, 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 on or after the 26th January, 1950, shall be a citizen of India by descent if his father is a citizen of India at the time of his birth:

Provided that if the father of such a person was a citizen of India by descent only, that person shall not be a citizen of India by virtue of this section unless—

(a) his birth is registered at an Indian consulate within one year of its occurrence or the commencement of this Act, whichever is later, or, with the permission of the Central Government, after the expiry of the said period; or

(b) his father is, at the time of his birth, in service under a Government in India.

(2) If the Central Government so directs, a birth shall be deemed for the purposes of this section to have been registered with its permission, notwithstanding that its permission was not obtained before the registration.

(3) For the purposes of the proviso to sub-section (1), any male person born outside undivided India who was, or was deemed to be, a citizen of India at the commencement of the Constitution shall be deemed to be a citizen of India by descent only.

5. Citizenship by registration

(1) Subject to the provisions of this section and such conditions and restrictions as may be prescribed, the prescribed authority may, on application made in this behalf, register as a citizen of India any person who is not already such citizen by virtue of the Constitution or by virtue of any of the other provisions of this Act and belongs to any of the following categories: —

(a) persons of Indian origin who are ordinarily resident in India and have been so resident for six months immediately before making an application for registration;

(b) persons of Indian origin who are ordinarily resident in any country or place outside undivided India;

(c) women who are, or have been, married to citizens of India;

(d) minor children of persons who are citizens of India; and

(e) persons of full age and capacity who are citizens of a country specified in the First Schedule:

Provided that in prescribing the conditions and restrictions subject to which persons of any such country may be registered as citizens of India under this clause, the Central Government shall have due regard to the conditions subject to which citizens of India may, by law or practice of that country, become citizens of that country by registration.

Explanation.—For the purposes of this sub-section, a person shall be deemed to be of Indian origin if he, or either of his parents, or any of his grand-parents, was born in undivided India.

(2) No person being of full age shall be registered as a citizen of India under sub-section (1) until he has taken the oath of allegiance in the form specified in the Second Schedule.

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

(4) The Central Government may, if satisfied that there are special circumstances justifying such registration, cause any minor to be registered as a citizen of India.

(5) A person registered under this section shall be a citizen of India by registration as from the date on which he is so registered; and a person registered under the provisions of clause (b) (ii) of article 6 or article 8 of the Constitution shall be deemed to be a citizen of India by registration as from the commencement of the Constitution or the date on which he was so registered, whichever may be later.

6. Citizenship by naturalisation

(1) Where an application is made in the prescribed manner by any person of full age and capacity who is not a citizen of a country specified in the First Schedule for the grant of a certificate of naturalisation to him, the Central Government may, if satisfied that the applicant is qualified for naturalisation under the provisions of the Third Schedule, grant to him a certificate of naturalisation:

Provided that, if in the opinion of the Central Government, the applicant is a person who has rendered distinguished service to the cause of science, philosophy, art, literature, world peace or human progress generally, it may waive all or any of the conditions specified in the Third Schedule.

(2) The person to whom a certificate of naturalisation is granted under sub-

section (1) shall, on taking the oath of allegiance in the form specified in the Second Schedule, be a citizen of India by naturalisation as from the date on which that certificate is granted.

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.

Termination of Citizenship

8. Renunciation of citizenship

(1) If any citizen of India of full age and capacity, who is also a citizen or national of another country, 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 a male 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 that he wishes to resume Indian citizenship and shall thereupon again become a citizen of India.

(3) For the purposes of this section, any woman who is, or has been, married shall be deemed to be of full age.

9. Termination of citizenship

(1) Any citizen of India who by naturalisation, registration or otherwise voluntarily acquires, or has at any time between the 26th January, 1950 and the commencement of this Act voluntarily acquired, the citizenship of another country shall, upon such acquisition or, as the case may be, such commencement, cease to be a citizen of India:

Provided that nothing in this sub-section shall apply to a citizen of India who, during any war in which India may be engaged, voluntarily acquires the citizenship of another country, until the Central Government otherwise directs.

(2) If any question arises as to whether, when or how any person has acquired the citizenship of another country, it shall be determined by such authority, in such manner, and having regard to such rules of evidence, as may be prescribed in this behalf.

10. Deprivation of citizenship

(1) A citizen of India who is such by naturalisation or by virtue only of clause (c) of article 5 of the Constitution or by registration otherwise than under clause

(b) (ii) of article 6 of the Constitution or clause (a) of sub-section (1) of section 5 of this Act shall cease to be a citizen of India, if he is deprived of that citizenship by an order of the Central Government under this section.

(2) Subject to the provisions of this section, the Central Government may, by order, deprive any such citizen of Indian citizenship, if it is satisfied that—

(a) the registration or certificate of naturalisation was obtained by means of fraud, false representation or the concealment of any material fact; or

(b) that citizen has shown himself by act or speech to be disloyal or disaffected towards the Constitution of India as by law established; or

(c) that citizen 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 that was to his knowledge carried on in such manner as to assist an enemy in that war; or

(d) that citizen has, within five years after registration or naturalisation, been sentenced in any country to imprisonment for a term of not less than two years; or

(e) that citizen has been ordinarily resident out of India for a continuous period of seven years, and during that period, has neither been at any time a student of any educational institution in a country outside India or in the service of a Government in India or of an international organisation of which India is a member, nor registered annually in the prescribed manner at an Indian consulate his intention to retain his citizenship of India.

(3) The Central Government shall not deprive a person of citizenship under this section unless it is satisfied that it is not conducive to the public good that that person should continue to be a citizen of India.

(4) Before making an order under this section, the Central Government shall give the person against whom the order is proposed to be made notice in writing informing him of the ground on which it is proposed to be made and, if the order is proposed to be made on any of the grounds specified in sub-section (2) other than clause (e) thereof, of his right, upon making application therefor in the prescribed manner, to have his case referred to a committee of inquiry under this section.

(5) If the order is proposed to be made against a person on any of the grounds specified in sub-section (2) other than clause (e) thereof and that person so applies in the prescribed manner, the Central Government shall, and in any other case it may, refer the case to a Committee of Inquiry consisting of a chairman (being a person who has for at least ten years held a judicial office) and two other members appointed by the Central Government in this behalf.

(6) The Committee of Inquiry shall, on such reference, hold the inquiry in such manner as may be prescribed and submit its report to the Central Government; and the Central Government shall ordinarily be guided by such report in making an order under this section.

*Supplemental***11. Commonwealth citizenship**

Every person who is a citizen of a Commonwealth country specified in the First Schedule shall, by virtue of that citizenship, have the status of a Commonwealth citizen in India.

12. Power to confer rights of Indian citizen on citizens of certain countries

(1) The Central Government may, by order notified in the Official Gazette, make provisions on a basis of reciprocity for the conferment of all or any of the rights of a citizen of India on the citizens of any country specified in the First Schedule.

(2) Any order made under sub-section (1) shall have effect notwithstanding anything inconsistent therewith contained in any law other than the Constitution of India or this Act.

13. Certificate of citizenship in case of doubt

The Central Government may, in such cases as it thinks fit, certify that a person, with respect to whose citizenship of India a doubt exists, is a citizen of India; and a certificate issued under this section shall, unless it is proved that it was obtained by means of fraud, false representation or concealment of any material fact, be conclusive evidence that that person was such a citizen on the date thereof, but without prejudice to any evidence that he was such a citizen at an earlier date.

14. Disposal of application under sections 5 and 6

(1) The prescribed authority or the Central Government may, in its discretion, grant or refuse an application under section 5 or section 6 and shall not be required to assign any reasons for such grant or refusal.

(2) Subject to the provisions of section 15, the decision of the prescribed authority or the Central Government on any such application as aforesaid shall be final and shall not be called in question in any court.

15. Revision

(1) Any person aggrieved by an order made under this Act by the prescribed authority or any officer or other authority (other than the Central Government) may, within a period of thirty days from the date of the order, make an application to the Central Government for a revision of that order:

Provided that the Central Government may entertain the application after the expiry of the said period of thirty days, if it is satisfied that the applicant was prevented by sufficient cause from making the application in time.

(2) On receipt of any such application under sub-section (1), the Central Government shall, after considering the application of the aggrieved person and any report thereon which the officer or authority making the order may submit,

make such order in relation to the application as it deems fit, and the decision of the Central Government shall be final.

16. Delegation of powers

The Central Government may, by order, direct that any power which is conferred on it by any of the provisions of this Act other than those of section 10 and section 18 shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable also by such officer or authority as may be so specified.

17. Offences

Any person who, for the purpose of procuring anything to be done or not to be done under this Act, knowingly makes any representation which is false in a material particular shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

18. Power to make rules

(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the registration of anything required or authorised under this Act to be registered, and the conditions and restrictions in regard to such registration;

(b) the forms to be used and the registers to be maintained under this Act;

(c) the administration and taking of oaths of allegiance under this Act, and the time within which, and the manner in which, such oaths shall be taken and recorded;

(d) the giving of any notice required or authorised to be given by any person under this Act;

(e) the cancellation of the registration of, and the cancellation and amendment of certificates of naturalisation relating to, persons deprived of citizenship under this Act, and the delivering up of such certificates for those purposes;

(f) the registration at Indian consulates of the births and deaths of persons of any class or description born or dying outside India;

(g) the levy and collection of fees in respect of applications, registrations, declarations and certificates under this Act, in respect of the taking of an oath of allegiance, and in respect of the supply of certified or other copies of documents;

(h) the authority to determine the question of acquisition of citizenship of another country, the procedure to be followed by such authority and rules of evidence relating to such cases;

(i) the procedure to be followed by the committees of inquiry appointed under section 10 and the conferment on such committees of any of the powers, rights and privileges of civil courts;

(j) the manner in which applications for revision may be made and the procedure to be followed by the Central Government in dealing with such applications; and

(k) any other matter which is to be, or may be, prescribed under this Act.

(3) In making any rule under this section, the Central Government may provide that a breach thereof shall be punishable with fine which may extend to one thousand rupees.

(4) All rules made under this section shall, as soon as may be after they are made, be laid for not less than fourteen days before both Houses of Parliament and shall be subject to such modifications as Parliament may make during the session in which they are so laid.

19. Repeals

(1) The British Nationality and Status of Aliens Acts, 1914 to 1943, are hereby repealed in their application to India.

(2) All laws relating to naturalisation which are in force in any part of India are hereby repealed.

THE FIRST SCHEDULE

[See sections 2(1) (b) and 5(1)(e)]

A. The following Commonwealth countries:—

1. United Kingdom.
2. Canada.
3. Commonwealth of Australia.
4. New Zealand.
5. Union of South Africa.
6. Pakistan.
7. Ceylon.
8. Federation of Rhodesia and Nyasaland.

B. The Republic of Ireland.

Explanation.—In this Schedule, “United Kingdom” means the United Kingdom of Great Britain and Northern Ireland, and includes the Channel Islands, the Isle of Man and all Colonies; and “Commonwealth of Australia” includes the territories of Papua and the territory of Norfolk Island.

THE SECOND SCHEDULE

[See sections 5(2) and 6(2)]

Oath of Allegiance

I, A. B. do solemnly affirm (or swear) that I will bear true faith and allegiance to the Constitution of India as by law

established, and that I will faithfully observe the laws of India and fulfil my duties as a citizen of India.

THE THIRD SCHEDULE

[See section 6(1)]

Qualifications for naturalisation

The qualifications for naturalisation of a person who is not a citizen of a country specified in the First Schedule are :—

(a) that he is not a subject or citizen of any country where citizens of India are prevented by law or practice of that country from becoming subjects or citizens of that country by naturalisation;

(b) that, if he is a citizen of any country, he has renounced the citizenship of that country in accordance with the law therein in force in that behalf and has notified such renunciation to the Central Government;

(c) that he has either resided in India or been in the service of a Government in India or partly the one and partly the other, throughout the period of twelve months immediately preceding the date of the application;

(d) that during the seven years immediately preceding the said period of twelve months, he has either resided in India or been in the service of a Government in India, or partly the one and partly the other, for periods amounting in the aggregate to not less than four years;

(e) that he is of good character;

(f) that he has an adequate knowledge of a language specified in the Eighth Schedule to the Constitution; and

(g) that in the event of a certificate of naturalisation being granted to him, he intends to reside in India, or to enter into, or continue in, service under a Government in India or under an international organisation of which India is a member or under a society, company or body of persons established in India:

Provided that the Central Government may, if in the special circumstances of any particular case it thinks fit,—

(i) allow a continuous period of twelve months ending not more than six months before the date application to be reckoned, for the purposes of clause (c) above, as if it had immediately preceded that date;

(ii) allow periods of residence or service earlier than eight years before the date of the application to be reckoned in computing the aggregate mentioned in clause (d) above.

K. Y. BHANDARKAR,
Secy. to the Govt. of India.