

then, in such circumstances, this Act shall apply as if it had been in force previously.

*Article 12.* This Act shall enter into force on 1 January 1953.

At the same time Act No. 64 of 28 January 1935 concerning nationality and the acquisition and loss of nationality shall be repealed.

### 36. India

#### CONSTITUTION OF 26 NOVEMBER 1949.

*Article 5.* At the commencement of this Constitution every person who has his domicile in the territory of India and:

- (a) Who was born in the territory of India; or
- (b) Either of whose parents was born in the territory of India; or
- (c) Who has been ordinarily resident in the territory of India for not less than five years immediately preceding such commencement, shall be a citizen of India.

*Article 6.* Notwithstanding anything in Article 5, a person who has migrated to the territory of India from the territory now included in Pakistan shall be deemed to be a citizen of India at the commencement of this Constitution if:

(a) He or either of his parents or any of his grand-parents was born in India as defined in the Government of India Act, 1935 (as originally enacted); and

(b) (i) In the case where such person has so migrated before the nineteenth day of July, 1948, he has been ordinarily resident in the territory of India since the date of his migration, or

(ii) In the case where such person has so migrated on or after the nineteenth day of July, 1948, he has been registered as a citizen of India by an officer appointed in that behalf by the Government of the Dominion of India on an application made by him therefor to such officer before the commencement of this Constitution in the form and manner prescribed by that Government:

Provided that no person shall be so registered unless he has been resident in the territory of India for at least six months immediately preceding the date of his application.

*Article 7.* Notwithstanding anything in Articles 5 and 6, a person who has after the first day of March, 1947, migrated from the territory of India to the territory now included in Pakistan shall not be deemed to be a citizen of India:

Provided that nothing in this article shall apply to a person who, after having so migrated to the territory now included in Pakistan, has returned to the territory of India under a permit for resettlement or permanent return issued by or under the authority of any law and every such person shall for the purposes of clause (b) of Article 6 be deemed to have migrated to the territory of India after the nineteenth day of July, 1948.

*Article 8.* Notwithstanding anything in Article 5, any person who or either of whose parents or any of whose grand-parents was born in India as defined in the Government of India Act, 1935 (as originally enacted), and who is ordinarily residing in any country outside India as so defined shall be deemed to be a citizen of India if he has been registered as a

citizen of India by the diplomatic or consular representative of India in the country where he is for the time being residing on an application made by him therefor to such diplomatic or consular representative, whether before or after the commencement of this Constitution, in the form and manner prescribed by the Government of the Dominion of India or the Government of India.

*Article 9.* No person shall be a citizen of India by virtue of Article 5, or be deemed to be a citizen of India by virtue of Article 6 or Article 8, if he has voluntarily acquired the citizenship of any foreign State.

*Article 10.* Every person who is or is deemed to be a citizen of India under any of the foregoing provisions of this Part shall, subject to the provisions of any law that may be made by Parliament, continue to be such citizen.

*Article 11.* Nothing in the foregoing provisions of this Part shall derogate from the power of Parliament to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship.

### 37. Indonesia

(a) ACT NO. 3 OF 10 APRIL 1946<sup>1</sup> CONCERNING CITIZENS  
AND RESIDENTS OF INDONESIA.

*Article 1.* A person shall be an Indonesian citizen if:

- (a) He belongs to the indigenous population of Indonesia; or
- (b) Though not falling within that class, he is a descendant of a person of that class and was born and domiciled within the territory of the Indonesian State, or, though not a descendant of a person of that class, he was born within the territory of Indonesia and has been domiciled therein for at least five consecutive years, and has attained the age of 21 or has married, unless there has been submitted a declaration that he should not become an Indonesian citizen because he is a citizen of another State;
- (c) He has been granted Indonesian citizenship by naturalization;
- (d) He is a legitimate, legitimized or legally acknowledged child of a man who at his birth was an Indonesian citizen;
- (e) His father, being an Indonesian citizen, died within 300 days before his birth;
- (f) He has been legally acknowledged only by his mother, and she was at the time of his birth an Indonesian citizen;
- (g) He has not been legally recognized by his father or mother but was born within the territory of the Indonesian State;
- (h) He was born within the territory of the Indonesian State to unknown parents or to parents of unknown nationality.

*Article 2.* (1) A married woman shall take during the subsistence of her marriage the citizenship of her husband;

(2) A married woman may not make an application or a declaration relating to change of citizenship.

*Article 3.* (1) Indonesian citizenship granted to a man shall extend to his legitimate, legitimized and legally acknowledged children and to his

<sup>1</sup> Text based on the English translation received from the Indonesian Delegation to the United Nations.