

## **Citizenship Rules, 2009**

**[25 February 2009]**

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**Citizenship Rules, 2009**

**[25 February 2009]**

G.S.R.124(E).- In exercise of the powers conferred by section 18 of the Citizenship Act, 1955 (57 of 1955), the Central Government

hereby makes the following rules, namely : -

## **PART 1 PRELIMINARY**

### **1. Short title and commencement :-**

- (1) These rules may be called the Citizenship Rules, 2009.
- (2) They shall come into force on the date of their publication in the Official Gazette.

### **2. Definitions :-**

In these rules, unless the context otherwise requires,-

- (a) "Collector" means the officer-in-charge of the revenue administration of a district and includes a Deputy Commissioner or District Magistrate, wherever so functioning;
- (b) "Form" means a Form appended to Schedule I to these rules;
- (c) "Schedule" means a Schedule annexed to these rules;
- (d) "section" means a section of the Citizenship Act, 1955 (57 of 1955)

## **PART 2 APPLICATION FOR CITIZENSHIP**

### **3. Application for registration of birth under section 4 :-**

A person may submit an application for registration of birth of his minor child born outside India in terms of sub-section (1) of section 4 in Form I to the Indian consulate in the country, where such child was born, together with a declaration that the child does not hold the passport of any other country.

### **4. Application for registration under clause (a) of sub-section (1) of section 5 :-**

An application from a person of Indian origin for registration as a citizen of India under clause (a) of sub-section (1) of section 5 shall not be entertained unless .

- (a) the application is made in Form II;
- (b) he gives an undertaking in writing that he shall renounce the citizenship of his country in the event of his application being sanctioned;
- (c) he is ordinarily resident in India for a period of at least seven years on the date of making application; and
- (d) he makes the oath of allegiance as specified in the Second Schedule to the Citizenship Act, 1955.

**5. Application for registration under clause (c) of sub-section (1) of section 5 :-**

(1) An application from a person, who is married to a citizen of India, for registration as a citizen of India under clause (c) of sub-section (1) of section 5 shall not be entertained unless .

(a) the application is made in Form III;

(b) he gives an undertaking in writing that he shall renounce the citizenship of his country in the event of his application being sanctioned;

(c) on the date of making the application he,-

(i) has been ordinarily a resident of India; or

(ii) has been in the service of the Government of India; at least for a period of seven years; and

(d) he makes the oath of allegiance as specified in the Second Schedule to the Citizenship Act, 1955.

Explanation.- In computing the period of seven years, any broken period of residence and service under sub-clauses (i) and (ii) of clause (c) shall be included in the period specified therein.

(2) The Central Government may, in consideration of the special circumstances, exempt, any foreign national married to such an Indian citizen who is in the service of the Government in India, from the operation of clause (c) of sub-rule (1).

(3) The Central Government may, in consideration of the special circumstances, exempt any foreign national who has been married to an Indian citizen for not less than seven years and who has visited India at least once in a year during any seven years out of nine years, from the operation of clause (c) of sub-rule (1).

**6. Application for registration under clause (d) of sub-section (1) of section 5 :-**

An application for registration as a citizen of India under clause (d) of sub-section (1) of section 5, for a minor child of a person who is a citizen of India, shall not be entertained unless .

(a) the application is made in Form IV; and

(b) the parent of such minor child declares that he is the legal guardian of the child.

**7. Application for registration under clause (e) of sub-section (1) of section 5 :-**

An application from a person for registration as citizen of India under clause (e) of sub-section (1) of section 5 shall not be entertained unless .

(a) the application is made in Form V;

(b) he gives an undertaking in writing that he shall renounce the citizenship of his country in the event of his application being sanctioned ; and

(c) he makes the oath of allegiance as specified in the Second Schedule to the Citizenship Act, 1955.

**8. Application for registration under clause (f) of sub-section (1) of section 5 :-**

An application from a person for registration as a citizen of India under clause (f) of sub-section (1) of section 5 shall not be entertained unless -

(a) the application is made in Form VI;

(b) he gives an undertaking that he shall renounce the citizenship of his country in the event of his application being sanctioned;

(c) he is resident in India for a continuous period of at least one year on the date of making application; and

(d) he makes the oath of allegiance as specified in the Second Schedule to the Citizenship Act, 1955.

**9. Application for registration under clause (g) of sub-section (1) of section 5 :-**

An application from a person registered as an overseas citizen of India, for registration as a citizen of India under clause (g) of sub-section (1) of section 5, shall not be entertained unless -

(a) the application is made in Form VII;

(b) he gives an undertaking in writing that he shall renounce the citizenship of his country in the event of his application being sanctioned;

(c) he has been an overseas citizen of India for a period of at least five years and resident in India for a continuous period of one year on the date of making application; and

(d) he makes the oath of allegiance as specified in the Second Schedule to the Citizenship Act, 1955.

**10. Application for grant of citizenship by naturalisation under sub-section (1) of section 6 :-**

An application from a person for naturalisation as a citizen of India under sub-section (1) of section 6 shall not be entertained unless .

- (a) the application is made in Form VIII;
- (b) he gives an undertaking in writing that he shall renounce the citizenship of his country in the event of his application being sanctioned; and
- (c) the application is accompanied with -
  - (i) a duly stamped affidavit verifying the correctness of the statements made in the application alongwith two affidavits from Indian citizens testifying the character of the applicant; and
  - (ii) a certificate depicting that the applicant has adequate knowledge of one of the languages specified in the Eighth Schedule to the Constitution of India.

Explanation 1.- The applicant shall be considered to have adequate knowledge of the concerned language if he can speak or read or write that language.

Explanation 2.- The certificate may either be issued by a recognised educational institution or a recognised public organization or from two persons of the locality or district of the applicant who are citizens of India.

### **11. Authority to which application may be made :-**

(1) An application for registration under section 5 or naturalisation under section 6 shall be made to the Collector within whose jurisdiction the applicant is ordinarily resident.

(2) On the receipt of the application, the Collector shall issue an acknowledgment in Form IX.

(3) On being satisfied about the correctness of the particulars of application and before forwarding the application to the State Government or the Union territory Administration, as the case may be, the Collector shall administer to the applicant, who has applied for grant of citizenship by registration, the oath of allegiance as specified in the Second Schedule to the Citizenship Act, 1955.

### **PART 3 ISSUE OF CERTIFICATE OF CITIZENSHIP AND MAINTENANCE OF REGISTERS**

### **12. Forwarding of applications to Central Government :-**

(1) The Collector shall forward every application received by him under clauses (a), (c), (d), (e), (f) and (g) of sub-section (1) of section 5 or sub-section (1) of section 6 to the State Government

or the Union territory Administration, as the case may be, within a period of sixty days from the date of its receipt, along with a report as to whether the applicant-

(a) satisfies all the conditions laid down in the relevant clauses of section 5 or section 6;

(b) has an intention to make India his permanent home;

(c) has signed the oath of allegiance as specified in the Second Schedule to the Citizenship Act, 1955; and

(d) is of good character and is a fit and proper person to be registered or naturalised, as the case may be, as a citizen of India.

(2) The State Government or the Union territory Administration, as the case may be, shall forward the application along with its recommendation and the report of the Collector, to the Central Government within a period of thirty days from the date of receipt of the report of the Collector under sub-rule(1):

Provided that if for sufficient reasons, the Collector or the State Government or the Union territory Administration, as the case may be, is unable to forward the application within the period specified in sub-rule (1) or sub-rule (2), the same may be forwarded to the State Government or the Union territory Administration or the Central Government, as the case may be, after the expiry of the period so specified but not exceeding ninety days along with the reasons for delay.

(3) All the applications pending with the Collector or the State Government or the Union Territory Administration, as the case may be, on the date of commencement of these rules shall be dealt with in the manner specified in sub-rules (1) and (2).

(4) If the application is not forwarded by the Collector or the State Government or the Union territory Administration, as the case may be, to the Central Government within a period of ninety days from the date of receipt of the application, the applicant may represent to the Central Government in the Ministry of Home Affairs by enclosing a copy of the acknowledgement issued by the Collector.

(5) The Central Government on receipt of the representation under sub-rule (4), may take up the matter with the State Government or the Union territory Administration, as the case may be, to expedite its recommendation on the application for grant of citizenship.

### **13. Scrutiny of applications by Central Government :-**

The Central Government may,-

(a) on receipt of the applications from the State Government or the

Union territory Administration, as the case may be, complete in all respects; and

(b) on being satisfied after making such inquiry as it considers necessary for ascertaining the suitability of the applicant, that he is a fit and proper person to be registered or naturalised, as the case may be, grant him the citizenship of India.

**14. Grant of certificate of registration :-**

(1) Every person who is registered as a citizen of India under clauses (a), (c), (d), (e) or (f) of sub-section (1) of section 5 shall be issued a certificate of registration in Form X signed by an officer not below the rank of Under Secretary to the Government of India.

(2) Every person who is registered as a citizen of India under clause (g) of sub-section (1) of section 5 shall be issued a certificate of registration in Form XI signed by an officer not below the rank of Under Secretary to the Government of India.

(3) A copy of the certificate of registration issued under this rule, shall be preserved for the purposes of record by the issuing authority.

**15. Grant of certificate of naturalization :-**

(1) Every person who by naturalisation is made a citizen of India under sub-section (1) of section 6 shall be issued a certificate of naturalisation in Form XII signed by an officer not below the rank of Under Secretary to the Government of India.

(2) A copy of the certificate of naturalisation issued under this rule, shall be preserved for the purposes of record by the issuing authority.

**16. Oath of allegiance for naturalization :-**

(1) The oath of allegiance, under sub-section (2) of section 6 by a person to whom the certificate of naturalisation is granted, shall be subscribed in Form XII and the oath of allegiance so subscribed shall be endorsed on the certificate of naturalisation to which it relates.

(2) The oath of allegiance under sub-rule (1) shall be subscribed within a period of three months from the date of grant of certificate of naturalisation to which it relates, or within such extended period as the authority granting the certificate may permit, and in case the oath is not taken within the said period, the certificate shall be

of no effect:

Provided that no permission shall be given under this sub-rule unless a statement to that effect is endorsed on the certificate and signed by the officer authorised under rule 15 to sign the certificate of naturalisation.

(3) The oath of allegiance required under sub-rule (1) shall be registered by such person and in such place as the authority granting the certificate may direct.

(4) When the oath of allegiance is registered in accordance with any direction given under sub-rule (3), the authority, which registers it shall cause a copy of the oath and the certificate of naturalisation to which it relates to be sent to the Secretary to the Government of India in the Ministry of Home Affairs.

### **17. Register of citizens :-**

The Central Government shall maintain a register containing the names and other details of the persons registered or naturalised as citizen of India -

(a) under clauses (a), (e) and (f) of sub-section (1) of section 5, in Form XIII;

(b) under clause (c) of sub-section (1) of section 5, in Form XIV;

(c) under clause (d) of sub-section (1) of section 5, in Form XV;

(d) under clause (g) of sub-section (1) of section 5 in Form XVI; and

(e) under sub section (1) of section 6 in Form XVII.

### **18. Maintenance of registers and connected papers :-**

(1) Every entry made in the register maintained under rule 17 shall be numbered consecutively and each entry shall relate to one person only.

(2) Every entry made in the register maintained under rule 17 shall be authenticated by the officer authorised to issue the certificate after a person is registered or as the case may be, naturalised as a citizen of India.

(3) The register, all applications and papers connected therewith shall be preserved as permanent record.

## **PART 4 PROVISIONS AS TO CITIZENSHIP OF INDIA FOR PERSONS COVERED BY ASSAM ACCORD**

### **19. Registering authority for the purpose of sub-section (3) of section 6A and form for registration :-**

(1) The Central Government may, for the purposes of sub-section (3) of section 6A, appoint an officer not below the rank of Additional District Magistrate as the registering authority for every district of the State of Assam.

(2) An application for registration under sub-section (3) of section 6A shall be made in Form XVIII, by the person to the registering authority for the district in which he is ordinarily resident, within a period of thirty days from the date of his detection or identification as a foreigner or, as the case may be, within a period of thirty days of the appointment of the registering authority t.

in the district

(3) The registering authority shall, after entering the particulars of the application in a register in Form XIX, return a copy of the application under his seal to the applicant.

(4) One copy of every application received during a quarter shall be sent by the registering authority to the Central Government and the State Government of Assam along with a quarterly return in Form XX.

(5) The registering authority may, and for the reasons to be recorded in writing, extend the period specified in sub-rule (2) for a period not exceeding sixty days.

## **20. Reference to Tribunals :-**

Where, in case of a person seeking registration under sub-section (3) of section 6A,-

(a) any question arises as to whether such person fulfils any requirement contained in the said sub-section; or

(b) the opinion of the Tribunal constituted under the Foreigners (Tribunals) Order, 1964 in relation to such person does not contain a finding with respect to any requirement contained in the said sub-section other than the question that he is a foreigner,

then, the registering authority shall, within a period of fifteen days of the receipt of the application under sub-rule (2) of rule 19, make a fresh reference to the Tribunal in this regard.

## **21. Jurisdiction of Tribunal :-**

The Tribunal constituted under the Foreigners (Tribunals) Order, 1964 having jurisdiction over a district or part thereof in the State of Assam shall have jurisdiction to decide references, received from the registering authority of that district or part thereof in relation to

all references made under sub-section (3) of section 6A.

**22. Declaration under sub-section (6) of section 6A :-**

The declaration under sub-section (6) of section 6A shall be made in Form XXI to the District Magistrate of the area within whose jurisdiction such person is ordinarily resident.

**PART 5 RENUNCIATION AND DEPRIVATION OF CITIZENSHIP OF INDIA**

**23. Declaration of renunciation of citizenship :-**

(1) A declaration of renunciation of citizenship of India under sub-section (1) of section 8 shall be made in Form XXII, and shall state—  
(a) under which provisions of law, the applicant is an Indian citizen; and

(b) the circumstances in which the applicant intends to acquire foreign citizenship.

(2) On receipt of the declaration of renunciation of citizenship of India under sub-rule (1), an acknowledgement in Form XXIII shall be issued by an officer designated under rule 38. (3) The declaration shall be registered in the Ministry of Home Affairs, Government of India.

(4) The Central Government in the Ministry of Home Affairs shall maintain a register in Form XXIV containing the names of persons whose declaration of renunciation of citizenship are registered under this rule.

**24. Declaration of intention to resume Indian citizenship :-**

(1) A declaration of intention to resume citizenship under the proviso to sub-section (2) of section 8 shall be made in Form XXV, within a period of one year of attaining the full age and the oath of allegiance as specified in the Second Schedule to the Citizenship Act shall be subscribed and duly attested.

(2) Every such declaration shall be registered in the Ministry of Home Affairs, Government of India.

(3) No such declaration shall be registered unless the declarant has taken the oath of allegiance given at the end of the Form.

(4) Every person who makes such declaration shall be issued a certificate of resumption of citizenship of India in Form XXVI, signed by an officer not below the rank of Under Secretary to the Government of India, and where such a certificate is issued, a copy

thereof shall be preserved for the purpose of record by the issuing authority.

(5) The Central Government in the Ministry of Home Affairs shall maintain a register in Form XXVII containing the names of persons whose declaration of resumption of Citizenship of India are registered under this rule.

**25. Notice to be given before deprivation of citizenship :-**

(1) When it is decided to make an order under section 10 depriving a person of his citizenship of India, a notice under sub-section (4) of that section shall be given-

(a) in a case where the persons whereabouts is known, by causing the notice to be delivered to him personally or by sending it to him by post; or

(b) in a case where the persons whereabouts is not known, by sending it to his last known address.

(2) On receipt of the notice under sub-rule (1), the effected person may make an application for referring his case to a Committee of Inquiry under sub-section (5) of section 10,-

(a) if that person is in India at the time when the notice is given to him, within a period of three months from the date of the notice; or

(b) in any other case, within such time being not less than three months from the date of the notice, as the Central Government may specify in the notice:

Provided that the Central Government may, in special circumstances and for reasons to be recorded in writing, extend the period within which the application under this rule may be made.

(3) On receipt of the application under sub-rule (2), the Central Government shall refer the case to the Committee of Inquiry for its decision.

**26. Committee to follow procedure specified in Schedule II in holding inquiry :-**

A Committee of Inquiry appointed under section 10 shall, while holding the inquiry under sub-section (6) of that section, follow the procedure laid down in Schedule II.

**27. Order depriving a person of citizenship of India to be published :-**

Every order made under section 10, depriving a person of the

citizenship of India, shall be published in the Official Gazette.

**28. Surrender and cancellation of certificate in case of deprivation of citizenship :-**

(1) Where an order has been made depriving a person registered or naturalised in India of his citizenship of India, the person so deprived or any other person in possession of the certificate of registration or naturalisation shall, when required by notice in writing given by the Central Government, deliver the said certificate to such person and within such period as may be specified in the notice.

(2) On the certificate being delivered, it shall be cancelled and in case the certificate is not delivered, then, the Central Government may direct that it shall, without prejudice to any action which may be taken under sub-rule (3), be treated as cancelled.

(3) If any person fails to comply with any notice given under sub-rule (1), he shall be liable to a fine, which may extend to one thousand rupees.

**PART 6 OVERSEAS CITIZENSHIP OF INDIA . REGISTRATION, RENUNCIATION AND CANCELLATION**

**29. Application for registration under section 7A :-**

(1) An application for registration as an overseas citizen of India under section 7A shall be made in Form XXVIII.

(2) A family consisting of a spouse and upto two minor children may apply in the same Form.

**30. Application for registration under section 7A by Person of Indian Origin card holders :-**

A Person of Indian Origin Card holder, notified vide the notification of the Government of India in the Ministry of Home Affairs number 26011/4/95-F.I, dated the 19th August, 2002 (published in the Gazette of India, Extraordinary, Part I, Section 1), as amended from time to time, who is otherwise eligible for registration as overseas citizen of India, may apply in Form XXVIII for grant of registration, which shall be decided in the manner specified in this part for other applicants.

**31. Authority to which applications are to be made.- An application under rule 29 or as the case may be, rule 30**

**shall be made in duplicate :-**

(a) in India -

(i) to the Foreigners Regional Registration Officer situated at National Capital Territory of Delhi, Mumbai, Kolkata, Chennai or Amritsar, who shall forward the same to the Central Government in the Ministry of Home Affairs; or

(ii) to the Foreigners Division, Ministry of Home Affairs;

(b) outside India-

(i) to the Indian Mission or Post having jurisdiction over the country of which an applicant is a citizen; or

(ii) where he is not in the country of his citizenship, to the Indian Mission or Post having jurisdiction over the country of which the applicant is ordinarily resident.

**32. Scrutiny of applications :-**

(1) The Central Government may, after a preliminary inquiry and on being apparently satisfied that there is no adverse information available against the applicant, register the person as an overseas citizen of India as soon as possible but not later than a period of thirty days and the case shall be placed for post verification of the antecedents.

(2) The Central Government may, in case of any adverse information against the applicant, and after making such inquiry as it considers necessary, approve or reject the grant of registration within a period of four months from the date of receipt of the application.

**33. Certificate of registration and maintenance of register of persons under section 7A :-**

(1) Every person, who is registered as an overseas citizen of India under section 7A shall be issued a certificate of registration in Form XXIX, signed by an officer not below the rank of Under Secretary to the Government of India.

(2) A copy of the certificate of overseas citizen of India issued under this rule, shall be preserved for the purposes of record by the issuing authority.

(3) The issuing authority shall maintain, a register containing names and other details of the persons registered as overseas citizen of India under section 7A in Form XXX and a copy thereof shall be forwarded to the Ministry of Home Affairs in the first week

of every month.

**34. Declaration of renunciation of overseas citizenship :-**

(1) A declaration of renunciation of overseas citizenship of India under section 7C shall be made in Form XXXI, accompanied with the original certificate of registration of overseas citizen of India, to the concerned Indian Mission or Post or the Ministry of Home affairs, Government of India who in turn shall forward the same to the authority which issued the said certificate of registration.

(2) On receipt of the declaration of renunciation of overseas citizenship of India, the issuing authority shall issue an acknowledgement in Form XXXII and remove the name of the declarant from the register of overseas citizen of India.

**35. Cancellation of registration as overseas citizen :-**

(1) Where an order has been made canceling the registration as an overseas citizen of India, the person whose registration has been cancelled or any other person in possession of the certificate of registration shall, when required by notice in writing by the Central Government, deliver the said certificate to such person and within such period as may be specified in the notice.

(2) On the certificate being delivered, it shall be cancelled and in case the certificate is not delivered, then the Central Government may direct that it shall be treated as cancelled.

(3) The issuing authority shall make an appropriate entry in the register maintained under sub-rule (3) of rule 33 stating the cancellation of registration as overseas citizen of India and a copy thereof shall be submitted to the Ministry of Home Affairs in the first week of every month.

**PART 7 MISCELLANEOUS**

**36. Variation in Form of application or declaration :-**

Where a person wishes to make an application or declaration under any of these rules and the form referred to in the rule is, in the opinion of the Central Government or other authority to whom the application is to be sent for registration, unsuitable to the particular case, the Central Government or that other authority, as the case may be, may authorize the application or declaration being made in some other form.

### **37. Certificate of citizenship in case of doubt :-**

A certificate of citizenship in case of doubt under section 13 may be issued in Form XXXIII and shall be signed by an officer not below the rank of Under Secretary to the Government of India.

### **38. Authority before whom application or declaration may be made or by whom the oath of allegiance may be administered :-**

(1) An application or declaration made in accordance with these rules shall not be accepted or registered and the oath of allegiance required by sub-section (2) of section 5 or sub-section (2) of section 6 shall be of no effect, unless it is signed in the presence of, or administered by,-

(i) the Collector, Deputy Commissioner, or the District Magistrate in India;

(ii) any Consular officer as defined in clause (d) of rule 2 of the Citizens (Registration at Indian Consulates) Rules, 1956 outside India:

Provided that if the applicant or declarant is serving in India in the naval, military or air forces of the Union, the application or declaration may be signed in the presence of, or the oath administered by, any officer holding a commission in any of these forces.

(2) Notwithstanding anything contained in rules 11 and 12, an application under sub-rule (3) of rule 5 for registration under clause (c) of sub-section (1) of section 5 as an Indian citizen from a foreign national married to an Indian citizen may be made to the Indian Consulate or Embassy or Mission where he is a resident, who in turn shall forward it to the Central Government in the Ministry of Home Affairs for consideration.

### **39. Certificate of documents :-**

A document may be certified to be a true copy of a document by means of a statement in writing to that effect signed by any of the persons before whom the application or declaration may be made or whom the oath of allegiance may be administered or by any officer now below the rank of an Under Secretary to the Government of India in the Ministry of Home Affairs.

### **40. Authority to determine acquisition of citizenship of**

## **another country :-**

(1) For the purpose of sub-section (2) of section 9, the Central Government may determine the issues as to whether, when or how any citizen of India had acquired the citizenship of another country.

(2) The Central Government while determining any such issues shall have due regard to the rules of procedure specified in Schedule III.

## **41. Fees :-**

The fees specified under column (3) or, as the case may be, under column (4) of the Schedule IV shall be levied and collected in respect of the matters referred to under column (2) of that Schedule.

## **42. Authority for revision of an order made under the Act by prescribed authority :-**

If an application is made by a person aggrieved by an order made under the provisions of the Act, the application shall be disposed off after giving a reasonable opportunity to the person affected to present his case, by an authority one rank higher than the authority specified for disposal of application against the order of which revision is sought.

## **43. Repeal and saving :-**

The Citizenship Rules, 1956 is hereby repealed:

Provided that such repeal shall not affect-

(a) the previous operation of the said Rules or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Rules; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Rules; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced any such penalty, forfeiture, or punishment, may be imposed as if the said Rules had not been repealed.