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## Constitution of India Art 5 - Citizenship at the commencement of the Constitution

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.

### NOTES

**Citizenship and Domicile:** Citizenship and domicile represent two different conceptions. Citizenship has a reference to the political status of a person, and domicile to his civil rights.<sup>1</sup>

**Domicile of a Married Woman:** A married woman retains her domicile in spite of migration by her husband.<sup>2</sup>

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<sup>1</sup> D.P. Joshi v. State of M.B. AIR 1955 SC 334 cited in Sankaranarayanan 2017

<sup>2</sup> State of Bihar v. Kumar Amar Singh AIR 1955 SC 282 cited in Sankaranarayanan 2017