

INDIA

1. HISTORICAL BACKGROUND

During the 1500s various European powers sought to establish themselves on the Indian sub-continent. In 1600, the British East India Company was established under Royal Charter and it competed with the Portuguese, French and Dutch for control of the trade.

On September 1858 in the wake of the 1857 uprising, the Company relinquished the territories under its control to the Crown. The territories of "British India" did not include those of a number of "Princely States" (also called "Native States" or "Indian States"). British India was within the Crown's dominions, while the Princely States (which accounted for about two-fifths of the sub-continent) were outside the Crown's dominions.

There were actually in the order of 560 Princely States. The territories of these States were foreign territories, but in respect of most, agreements had been reached whereby to a greater or lesser degree, the Crown had acquired jurisdiction. It is now practically impossible to establish the terms of the agreements, if any, between the Crown and a given State, so the practice is to treat all the Princely States as Protected States in which the Crown exercised jurisdiction over British subjects. There is one important rider: there were a number of so-called "military cantonments" situated within Princely States and these cantonments were parts of British India and so came within the Crown's dominions. The cantonments and approximate years in which they came within the Crown's dominions were as follows:

Bakloh (1891)
Dalhousie (1835)
Kalka (1858)
Kasauli (1842)
Sabathu (1816)
Shilong Town (1864)
Simla (1816)

On 18 July 1947, the Indian Independence Act 1947 received Royal Assent. This was "An Act to make provision for the for the setting up in India of two independent Dominions". On 15 August 1947 the Dominions of India and Pakistan were established and on 26 January 1950, India became a sovereign democratic republic within the Commonwealth.

See also separate entries for **PAKISTAN** and **BANGLADESH**

2. ACQUISITION OF CITIZENSHIP OF INDIA

Under the Citizenship Articles of the India Constitution, every person who was on 26 January 1950 **domiciled** in India **AND**

(a) was born in India

OR

(b) either of whose parents was born in India

OR

(c) who was ordinarily resident in India for not less than 5 years immediately preceding that date became a citizen of India. These provisions were supplemented by the Citizen Act, 1955 which provides for the acquisition of Indian citizenship by birth, descent, registration or naturalisation. India's current citizenship legislation is reproduced in The Compendium of Nationality Laws of the Commonwealth.

3. DISTINCTION BETWEEN FORMER BRITISH INDIA AND THE NATIVE OR PRINCELY STATES

Birth in the Indian sub-continent before 1 January 1949 was not necessarily a source of British nationality, since a considerable area of the territory was not part of the Sovereign's dominions but was the territory of native rulers. It is important when determining the status of a person born in what is now India, to consider whether the birth occurred in **British** India or in a native or princely state since while birth in the former made the person a British subject, birth in the latter did not, although native or princely states may be regarded as places in which the Sovereign exercised jurisdiction over British subjects.

In those cases where there is difficulty in establishing the location of a place in the Indian sub-continent, the Map Archivist, India Office Records, The British Library 96 Euston Road London NW1 2DB 020 7412 7828

The district should, of course, be stated if known and the name of the nearest Railway Station, Post Office or Market Town would be helpful if this information can be ascertained.

4. PASSPORT FACILITIES FOR BRITISH SUBJECTS CONNECTED WITH INDIA

Although citizenship laws have been enacted in India, these laws have not "taken effect" within the meaning of Sections 13(2) and 5(1)(d) of the British Nationality Act 1948 because the statutory order prescribed by Section 32(8) of the Act has not been made by the Home Secretary.

Section 30(a) of the British Nationality Act 1981, is a continuation of Section 13 of the British Nationality Act 1948 and applies to persons who were **British**

subjects immediately before 1 January 1949 and are connected with the **former British** India by birth, descent, marriage, naturalisation or annexation of territory before 1 January 1949 and who are **NOT**:

(a) UKCs

OR

(b) Citizens of a 1(3) Country

OR

(c) Citizens of the Irish Republic

OR

(d) Citizens of India (according to Indian Citizenship Law)

In this connection, examiners should bear in mind that unless there is positive evidence that an applicant has been regarded as a citizen of India (e.g. holds an Indian passport) persons of British origin who had a connection with British India by:

(a) birth

OR

(b) descent

OR

(c) marriage*

OR

(d) who held an Imperial Certificate of naturalisation issued in British India before 1 January 1949

OR

(e) who have been settled in the United Kingdom for many years

may be treated as **BRITISH SUBJECTS WITHOUT CITIZENSHIP (BSWC)**

* It should be remembered that a foreign born woman, who before 1 January 1949, was married to a British subject who became a BSWC under Section 13(1) BNA 48, herself became a BSWC under Section 13(1) by virtue of the definition contained at Section 32(7) of the BNA 48.

Section 13 (1) BNA 48

Between 1 January 1949 and 31 December 1982, BSWC would be lost on acquiring citizenship of either:

(i) The UK

OR

(ii) India

OR

(iii) Another 1(3) country

OR

(iv) The Irish Republic

Persons who were British subjects without citizenship and who were born or their fathers or mothers were born in Southern Ireland (or their mothers were born in Northern Ireland before 6 December 1922) **LOST** both British subject without citizenship status **AND** with British nationality on the coming into force of the Irish Nationality and Citizenship Act of 1956 and it is important to investigate this possibility in the case of persons with such a connection.

See: **IRISH REPUBLIC**

Any cases of doubt arising from the status of British subject without citizenship should be referred to a Higher Executive Officer.

HOWEVER:

Section 35 BNA 81

Provides that where a person is a British subject by virtue of BNA 81 Section 30(a) "shall cease to be such a subject if, in whatever circumstances and whether under this Act or otherwise, he acquires **ANY** other citizenship or nationality whatever"

In considering applications from persons who appear to be British subjects without citizenship by virtue of Section 30(a) of the British Nationality Act 1981, it should therefore, be remembered that a person having that status loses it if he/she acquires **ANY** other citizenship or nationality including British citizenship, British Overseas Territories citizenship or British Overseas citizenship on or after 1 January 1983. Examiners should pay particular attention to the type of passport on which the applicant previously travelled.

When it seems clear that such persons do not possess British citizenship, British Overseas Territories citizenship, British Overseas citizenship, or the citizenship of any other country, they may be granted, or continue to be granted,

passports as British subjects without citizenship and advised to consult the Nationality Division about the possibility of acquiring British citizenship by registration. The system letter 680 should be enclosed with the passport when issued. (Or a draft letter if more appropriate).

All cases where the applicant is born in India and appears to be a citizen of India, but who is claiming the status of British subject without citizenship by production of a letter from the Indian authorities stating he is not regarded as citizen of India should be referred to the appropriately trained person.

5. CHILDREN OF BRITISH SUBJECTS WITHOUT CITIZENSHIP

Third Schedule UKC, any BNA 48

If a male BSWC was REGISTERED any children born to him between 1 January 1949 and 31 December 1982, while he was still a BSWC, who were not

(i) Citizens of a 1(3) country

OR

(ii) Citizens of the Irish Republic

OR

(iii) Citizens of Pakistan

would similarly become UKCs under the terms of the Third Schedule of the BNA 48 on the date of the father's registration.

It should be noted that a person who acquired citizenship of the United Kingdom and Colonies under the Third Schedule was regarded as a citizen **by descent** only.

(See Section 14(1)(b)(ii) BRITISH NATIONALITY ACT 1981)

6. PERSONS BORN IN INDIA BETWEEN 1 JANUARY 1949 AND DECEMBER 1982

The first consideration is to establish whether such a person has a claim to citizenship of the United Kingdom and Colonies by descent under Section 5(1), 5(1)(a) or 5(1)(c) of the British Nationality Act 1948.

The national status of persons who do not qualify under the above sections is governed by the operation of current Indian legislation. Cases where it is not apparent that an applicant has acquired Indian citizenship (i.e. when they have not previously travelled on an Indian passport) should be referred to the appropriately trained person.

7. PASSPORT PRACTICE

(i) Observations

In addition to the Immigration status, Passports for BSWC should also be endorsed "Holder is a British subject under the British Nationality Act 1981"

8. HIGH COMMISSION ADDRESS

Citizens of India requiring passport facilities should be referred to:

Office of the High Commissioner for India
Consular Department
India House
Aldwych
London
WCSB 4NA

Telephone 0208 629 5950

Annex ‘A’

EXAMPLE OF INDIA OFFICE RECORDS BIRTH/BAPTISMAL CERTIFICATE

BENGAL VOL	FOL	NO.
These are to certify that the Secretary of State for Commonwealth Relations has in his custody a Registrar of Baptisms at A.D. in which Registrar there is an entry of which the following is a true copy:-		
When baptised	Year	Month Day
Said to be born	Year	Month Day
Child's Christian name		
Sex		
Parents' names: Christian Surname		
Abode of parents .. Quality, Trade or profession of FATHER		
By whom the ceremony was performed		
In witness whereof I have hereunto set my hand, at the Commonwealth Relations Office, King Charles Street, Whitehall, this day of .		

Annex 'B'

PLACES IN FORMER BRITISH INDIA

Listed below are some places which were in British India.

A	Ambala, Allahabad, Amora, Ambala, Amritsar, Asansol, Attock,
B	Bombay, Bhagalpur, Bareilly, Basti, Bellary,
C	Calcutta, Cawnpore, Cambellpur, Chagai, Champaran, Chanda, Chittoor, Cuttack
D	Dum-Dum, Dacca, Dadu, Dalhousie (1853), Delhi, Darrang, Dehra Dun, Darjeeling,
E	Etah
F	Ferozepore, Fyzabad
G	Gomoh, Ganjam, Garhwal, Gaya, Golpara,
H	Hubli, Hamirpur, Hardoi, Hazara,
I	
J	Jhansi, Jalpaiguri, Jessore, Jhang, Jubbulpore, Jullunder
K	Kurseong, Kalian, Kamrup, Kalka ns Ambala (1858), Karachi, Kohat,
L	Lucknow, Lahore, Lakhimpur, Larkana, Ludhiana, Lyallpur
M	Madras, Meerut, Montgomery, Mussoorie, Muree – Punjab, Mudahpur
N	Nowshera, Nadia, Nagpur, Nellore, New Delhi,
O	Ootacamund
P	Poona, Peshawar, Pilibhit, Purnea
Q	
R	Ranchi, Rangpur, Rawalpindi
S	Simla, Sabathu, Sambalpur, Sylhet
T	Trichonoply
U	
V	
W	Wellington
X	
Y	
Z	Zhob

Annex 'C'

FORMER INDIAN NATIVE OR PRINCELY STATES

<u>A</u>	<u>B</u>	<u>B</u>
AGAR AIYAVEJ AJAIGARH AKADIA AKALA AKALKOT ALAMPUR (DIWANI) ALIDHRA ALIPURA ALIRAJPUR ALWA ALWAR AMALA AMB* AMBALIARA AMRAPUR (DHRAFA THANA) AMRAPUR (PANDU MEWAS) AMANDPUR (CHOTILA THANA) AMANDPUR, KHACHER DEA BHOJ AMANDPUR KHACHER DADA and NANA JIWA ANGHAD ANIDA ANKEVALIA ATHGARH ATHMALLIK AUNDH AVCHAR	BALASINOR BALSAN BAMANBOR BAMRA BANGANAPALLE BANGALORE BANKA PAHARI BANSDA BANSWARA BANTWA (CHHOTA MAJMU) BANTWA MAJMU BAONI BARAMBA BARAUNDHA (PATHAR KACHHAR) BARIA BARODA BARWALA BARWANI BASHAHR BASTAR BAUDH BAVDA BAWISHI THANA BENARES BERI BHADARWA BHADII BHADVANA BHADWA BHAISAUNDA BHAJJI BHALALA BHALGAM BHALDOI BHALGAMDA BHALUSNA BHANDARIA BHARATPUR BHAREJDA BHATHAN BHAVNAGAR BHAWAL BHAYAVADAR BHILODIA	BHIMORA BHOIKA (THANA) BHOIKA BHOJAVADAR BHOPAL BHOR BHUT BIHAT BIHORA BIJA BIJAWAR BIJNA BIKANER BILASPUR (KAHLUR) BILBARI BILDI BILKHA BODANONESS BOLUNDRA BONAI BUNDI <u>C</u> CAMBAY CHALALA CHAMARDI (YACHHANI) CHAMBA CHAMPRAJ JASA TALUKA CHANCHANA CHANDUP CHANGBHAKAR CHARKHA CHARKHARI CHERRA CHHALIAR CHHATARPUR CHHOTA UDEPUR CHHUIKHADAN CHINCHLI GADED CHIRODA CHITRAL* CHITRAVA (DEVANI) CHOBARI
<u>B</u> BABRA (BABRA THANA) BAGASRA (MAJMU) BAGASRA VALA GODED MATRA BAGASRA VALA SEMAT KATRA BAGHAL BAGHAT BAHAWALPUR* BAJANA		

<p><u>C</u></p> <p>CHOCK (CHOCK-DATHA THANA) CHORANGLA CHOTILA CHOTILA THANA CHUDA CHUDESAR COCHIN COOCH BEHAR CUTCH</p> <p><u>D</u></p> <p>DABHA DADHILIA DAHIDA DANGAVADAR DANGS DANTA DARKOTI DAROD DASADA DASPALLA DATHA DATIA DEDAN (KOTILA SHIR UNAD BHAN) DEDAN (MAJMU) DEDARDA DELOLI DEODAR DEODAR THANA DERBHAVTI DERDI-JANBAI DEROL DEVALIA DEWAS (JUNIOR BRANCH) DEWAS (SENIOR BRANCH) DHAMASIA ALIAS VANMALA DHAMI DHAR DHARAMPUR DHARI DHENKANAL DHOLA (DEVANI) DHOLARVA DHOLPUR DHRAFA (DHRAFA THANA) DHRANGADHR</p>	<p><u>D</u></p> <p>DHROL DHUDHREJ DHURWAI DIR* DODKA DUDHPUR DUJANA DUNGARPUR</p> <p><u>E</u></p> <p>EASTERN KATHIWAR AGENCY EASTERN STATES AGENCY</p> <p><u>F</u></p> <p>FARIDKOT</p> <p><u>G</u></p> <p>GABAT GAD-BORIAD GADHALI (SONGADH THANA) GADWADA THANA GADHIA GADHKA GADHULA GADVI GANDHOL GANGPUR GARMALI (MOTI) GARMALI (NANI) GARRAULI GAURIHAR GAVRIDAD GEDI GHAZIPUR GHODASAR GIGASARAN GONDAL GOTARDI GOTHDA GUNDIALA GWALIOR</p> <p><u>H</u></p> <p>HADALA HADOL</p>	<p><u>H</u></p> <p>HALARIA HAPA HARSURPUR HASHT-BHAYA JAGIRS HIMMAT BAHADUR HINDOL HUNZA HYDERABAD</p> <p><u>I</u></p> <p>IAVEJ ICHALKARANJI IDAR IJPURA ILOL INDORE ITARIA ITWAD</p> <p><u>J</u></p> <p>JAFRABAD (JANJIRA) JAIPUR JAISALMER JAKHAN JALIA (AMRAJI) JALIA-DEVANI JALIA-KAYAJI JAMKHANDI JAMMU and KASHMIR JAMBUGHODA (NARUKOT) JANBAI-NI-DERDI JANJIRA JAORA JASDAN JASO JASHPUR JATH JAWHAR JESAR JETPUR JHABUA JHALAWAR JHAMAR JHANKA (VELANI) JHAMPODAD JHARI GHARKHADI JHINJUWADA JIGNI</p>
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<p><u>J</u></p> <p>JIND JIRAL KAMSOLI JOBAT JODHPUR (MARWAR) JUBBAL JUMKHA JUNAGADH JUNAPADAR</p> <p><u>K</u></p> <p>KADANA KADOLI KAGAL (SENIOR) KAGAL (JUNIOR) KALAHANDI KALAT* (including MAKRAN) KALSIA KAMADHIA KAMALPUR KAMTA RAJAULA KANER KANJARDA KANKASIALI KANKAR KANKREJ THANA KANODA KANPUR ISHWARIA KANTHARIA KAPAH KARIANA KARMAD KAROL KASALPURA KASHMIRE – see JAMMU and KASHMIR KASLA PAGINU NUWADA KATHIAWAR KATODIA (VACHHANI) KATHROTA KATOSAN KATOSAN (THANA) KAWARDHA KEONJHAR KEONTHAL (JUNGA) KESARIA KHADAL KHAIRAGARH KHAIRPUR* KHAMBHALA KHAMBHLAV</p>	<p><u>K</u></p> <p>KHANDIA KHANDPARA KHANIADHANA KHARAN* KHARI KHARSAWAN KHASHI HILLS KHEDAWADA KHERALI KHIJADIA KHIDADIA (BABRA THANA) KHIJADIA OSAJI (SONGADH THANA) KHIJADIA-NAYANI (LAKHAPADAR THANA) KHILCHIPUR KHIRASRA KHYRIM KIRLI KISHENGARH KOLHAPUR KOREA KOTAH KORDA-NAYANI KOTDA PTHA KOTDA SANGANI KOTHARIA KOTHI KUBA KUMHARSAIN KUNIHAR KURUNDWAD (SENIOR) KURUNDWAD (JUNIOR) KURWAI JKUSHALGARH KUTHAR</p> <p><u>L</u></p> <p>LAKHAPA AR (LAKHAPADAR THANA) LAKHTAR (LAKHTAR THANA) LALIAD LANGRIN LAS BELA* LATHI LAWA LIKHI LIMBDA LIMBDI</p>	<p><u>L</u></p> <p>LODHKA MAJMU LODHKA MULWAJI ESTATE LODHKA THANA LODHKA VIJAYSINHJI ESTATE LOHARU LUGASI LUNAWADA</p> <p><u>M</u></p> <p>MAGODI MAGUNA MAHARAM MAHLOG MAHUVA (NANA) MAIHAR MAKRAI MALAISOHMAT MALER KOTLA MALIA MALPUR MANAVADAR (BANTWA) MANAVAV MANDI MANDWA MANGAL MANIPUR MANPUR MANSA MARIAW MATHWAR MATRA-TIMBA MAWIANG MAWSYNRAM MAYAPADAR MAYURBHANJ MEHMADPURA MENGANI MEVASA MEVLI MIRAJ SENIOR MIRAJ JUNIOR MOHANPUR MOHUR MOKA PAGINU MUWADA MONVEL MORCHEPNA MORVI MOTA KOTHASNA MUDHOL</p>
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<p><u>M</u></p> <p>MUHAMMADGARH MULI MULILA-DERI MUNJPUR MYLLIEM MYSORE</p> <p><u>N</u></p> <p>NABHA NADALA NAGIR (or NAGAR) NAGOD (UNCHEHRA) NAHARA NAIGAWAN RESAI NALAGARH (HINDUR) NALIA NANDGAON NANGAM NARSINGARH NARSINGHPUR NARUKOT (JAMBUGHODA) NASWADI NATWARNAGAR NAWANAGAR NAYAGARH NILGIRI NILVALA NOBOSOPHOH NOGHANVADAR NONGKHLAW NONGSPUNG NONGSTOIN</p> <p><u>O</u></p> <p>ORCHHHA (TIKAMGARH)</p> <p><u>P</u></p> <p>PACHHEGAM (DEVANI) SONGADH THANA PAH PAHRA (CHAUBEPUR) PAL PALAJ PALALI PALANPUR PALASNI PALASVIHIR PALDEO (NAYAGAON)</p>	<p><u>P</u></p> <p>PAL LAHARA PALIAD (PALIAD THANA) PALITANA PAN TALAVID PANCHAVDA (VACHHANI) PANDU (PANDU MEWAS) PANNA PARTABGARH PATAUDI PATDI PATHARI (BHOPAL) PATIALA PATNA PETHAPUR PHALTAN PHULRA PIMPLADEVI PIMPRI PIPALIA PIPLODA POICHA POONCH PORBANDAR PREMPUR PUDUKKOTTAI PUNADRA</p> <p><u>R</u></p> <p>RADHANPUR RAIGARH RAIKA RAIRAKHOL RAI SANKLI RAJGARH (BHOPAL) RAJKOT RAJPARA (CHOCK THANA) RAJPARA (HALAR) RAJPIPLA RAJPUR (GUJARAT STATE) RAJPUR (WESTERN INDIA) RAMANKA RAMANKA DEVANI RAMAS RAMBRAI RAMDURG RAMPARDA RAMPUR</p>	<p><u>R</u></p> <p>RAMPURA (GUJARAT STATES) RAMPURA (WESTERN INDIA STATES) RANASAN RANDHIA RANIGAM RANIPURA RANPARDA (CHOK THANA) RANPUR RATANMAL RANTANPUR-DHAMANKA RATLAM RENGAN REWA ROHISALA ROZWA RUPAL</p> <p><u>S</u></p> <p>SABAR KANTHA (AGENCY) SACHIN SAHUKA SAILANA SAKTI SAMADHIALA (CHAK THANA) SAMADHIALA SAMADHIALA CHHABHADIN SAMLA SAMTHAR SANALA SANDUR SANGLI SANGRI SANJELI SANKHEDA MEWAS SANOSRA SANT SANTALPUR SARANGARH SARDARGADH SARDARPUR SARILA SAR LASHKAR BADHADUR SATA-NON-NEAS SATHAMBA</p>
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<p><u>S</u></p> <p>SATLASNA SATUDAD VAVDI SAVANUR SAWANTWADI SAYLA SEBDI-VADAR SEJAKPUR SERAIKELA SHAPUR SHAH PURA SHANOR SHIVBARA SIHORA SIKKIM SILANA SINDHIAPURA SIROBI SIRMUR (NAHAN) SISANG-CHANDLI SITAMAU SOHAWAL SONGADH THANA SONGADH (VACHHANI) SONEPUR SUDAMAD DHANDHAIPUR SUDASNA SUIGAM SUKET SURASHTRA (KATHIAWAR) SURGANA SURGUJA SWAT*</p> <p><u>I</u></p> <p>TJPURI TALCHAR TALSANA TARAON (PATHRAUNDI) TAVI TEHRI-GARHWAL TEJPURA TERWADA THANA DEVL THARA THARAD THAROCH THUMBALA</p>	<p><u>T</u></p> <p>TIGIRIA TIMBA TODA-VACHHANI TONK (RAJPUTANA) TORGAL TORI-FATEHPUR TRAVANCORE TRIPURA</p> <p><u>U</u></p> <p>UCHAD UDAIPUR (EASTERN STATE AGENCY) UDAIPUR (MEWAR) UMETA UMRI UNTDI</p> <p><u>V</u></p> <p>VADAL BHANDARIA VADALI VADHYAWAN VADIA (WADIA) VADOD (JHALAWAD) VADOD (DEVANI) VAGHAVADI (VAGHVORI) VAJIRIA VAKHTAPUR VAKTAPUR VALA VALASNA VANA VANALA VANGADHRA VANOD VARAHI (THANA) VARNOLMAL VARNOL HOTI VARNOL NANI VARSODA VASAN SEVADA VASAN VIRPUR VASAVAD MAJMU VASURNA VATRAK KANTHA THANA VAVDI-DHARVALA VAVDI VACHHANI VEJANONESS</p>	<p><u>V</u></p> <p>VEKARIA VICHHAVAD VIJAYANAGAR VIRAMPURA VIRPUR VIRSODA VIRA VISHALGAD VITHALGADH VIVRA VORA</p> <p><u>W</u></p> <p>WADAGAM WADHWAN (VADWAN) WADHWAN BHOIKA THANA WADHWAN C.S. WADHWAN DISTRICT THANA WADI ESTATE WADIA (VADIA) WANKANER WAO WARAHI M.S. JORAWARKHANJI WARAHI M.S. MURIDKHANJI WASNA WESTERN KATHIAWAR AGENCY W.S. HIMATSINHJI, DENDAR W.S. KHANJI, DEODAR</p> <p><u>Z</u></p> <p>ZAINABAD</p>
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* These states acceded to Pakistan. Most of the others acceded to the Republic of India.