

## Which document proves Indian citizenship?

Why is the Indian passport not considered a conclusive proof of Indian citizenship? What purpose does Aadhaar serve? Does presence on the electoral rolls or possession of an Electoral Photo Identity Card determine citizenship? What happens in case of a dispute?



An Indian passport. - Photo: GETTY IMAGES

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## The story so far:

The Indian passport is not a “document of citizenship,” a senior official of the Ministry of External Affairs (MEA) said in response to a query from *The Hindu* this week. So, if a passport is not proof of citizenship, what is?

**Is it a new development that a passport cannot be used as a document to prove Indian citizenship?**

A passport by itself is not conclusive proof of Indian citizenship, and this is not a new development or announcement. Last week, the senior MEA official was responding to a question from *The Hindu* on whether the Indian passport can be used to challenge exclusion from the voters' list through the special intensive revision (SIR) of electoral rolls that is currently underway in 16 States. The official said: “The passport is a travel document, not a document of citizenship, and theoretically speaking, that distinguishes the passport from other documents. Even though while travelling abroad, the passport attests to your nationality, it is not a document of citizenship.”

This stance is based on existing law. The government's Passport Manual says that “a passport provides evidence of the holder's nationality, but this is placed in the same category as any other evidence of the citizenship status of an individual”. In other words, a passport is strong evidence that its holder is an Indian citizen. However, in law, it is not treated as conclusive proof of citizenship. If a person's citizenship is disputed, courts may examine it alongside other relevant evidence.

According to *Maneka Gandhi v Union Of India* (1978), issuance of passport is based on conclusive proof that the holder is an Indian national, and is “entitled by virtue of their Indian nationality and passports to the protection of the Indian Republic and assistance of its Diplomatic Missions abroad.”

Under Section 6(2)(a) of the Passports Act, 1967, the authorities can refuse a passport if the applicant is not a citizen of India. But under Section 20 of the Act, the Union government may issue a passport or travel document to a person who is not a citizen of India if it thinks that it is necessary to do so in public interest.

The MEA's response distinguishes between evidence of citizenship and conclusive proof of citizenship. While citizenship is determined under the Citizenship Act, 1955, and passports are issued under the Passports Act, 1967, the existence of a passport cannot by itself be called a conclusive or definitive proof of citizenship in a dispute.

**Can the Aadhaar card be used to prove Indian citizenship?**

When the Aadhaar was introduced one and a half decades ago, it was promoted as a one-stop digital identification document which could replace the many documents that Indians had to furnish to avail themselves of benefits from multiple government schemes. However, from the beginning, the Unique Identification Authority of India has

emphasised that Aadhaar can only be treated as proof of identity and address, not of citizenship. In fact, non-Indian citizens who are legally resident in India are eligible to get an Aadhaar, and often require the identity card to avail themselves of many basic services, from banking to cooking gas.

In its judgment of May 27 this year, when the Supreme Court upheld the constitutional validity of the SIR, it held that an Aadhaar card does not constitute proof of citizenship and, therefore, cannot be relied upon for that purpose. However, it is among the documents which may be produced for the limited purpose of establishing the identity of a person, it said.

### Does a voter ID prove Indian citizenship?

Only Indian citizens are eligible to vote in Indian elections, but one's presence on the electoral rolls or possession of an Electoral Photo Identity Card does not determine citizenship or conclusively prove it.

In the case of *Lal Babu Hussein v. Electoral Registration Officer* (1995), the Supreme Court unequivocally held that electors whose names appear on electoral roll are entitled to a presumption of citizenship, and that this presumption cannot be displaced except by following the procedure prescribed by law.

However, in this year's SIR judgment, the Court emphasised that the Election Commission's role is confined to determining eligibility for electoral rolls. It cannot adjudicate citizenship, and the citizenship of an individual under the Citizenship Act will not cease on account of their ineligibility to register in the electoral rolls, pursuant to the SIR.

In fact, the passport was one of the 11 'indicative' documents listed by the Election Commission as proof of citizenship. Some voters purged from the draft SIR in Uttar Pradesh, for instance, used their passports to prove that they are citizens of India and should be included in the final electoral roll. However, there have been reported cases of people in West Bengal who hold Indian passports, but who were still deleted from the draft electoral lists during the SIR.

### So what document proves citizenship?

While responding to a question in the Lok Sabha on August 12, 2025, the Home Ministry did not specify the "categories of valid documents" required for people to prove citizenship in India. "The citizenship of India is governed under the provisions of the Citizenship Act, 1955, and rules made thereunder," the Minister of State for Home, Nityanand Rai, said in a written reply.

Under the Citizenship Act, citizenship can be acquired by birth, by descent, by registration, by naturalisation and by incorporation of territory.

Citizenship certificates are generally issued to people who acquired citizenship by registration or naturalisation, and can act as a conclusive proof document. The majority of Indians, however, are citizens by birth or descent, and do not have a citizenship certificate. Instead, they rely on different evidence that prove their date of birth, place of birth, or their parentage, depending on the context of the dispute.

Anyone born in India between January 26, 1950 and July 1, 1987 is a citizen by birth, irrespective of their parents' nationality. Such people would have to produce documents proving their place and date of birth to establish their citizenship. Given that mandatory birth certificates were not issued in this period, many people use a combination of other documents, including educational certificates and Aadhaar.

For those born between July 1, 1987 and December 3, 2004, proof of their own place and date of birth is insufficient as they must also prove that at least one parent was an Indian citizen. For those born on or after December 3, 2004, one parent must be an Indian citizen while the other should not be an illegal migrant, complicating the documentary proof required.

India does not prescribe one universal citizenship document. An effort to create such a document through the National Register of Citizens became politically contentious amid fears of a nationwide verification exercise that could exclude many due to incomplete documents. As former Foreign Secretary Nirupama Rao said in a post last week, the lesson is that "India needs stronger and more comprehensive civil registration, universal birth registration and reliable archival records so that citizenship can never become hostage to missing or inconsistent paperwork."