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## The Concept and Context of Citizenship in India

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### Abstract

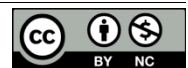
Citizenship, it implies the status of freedom with accompanying responsibilities. Citizens have certain rights, duties, and responsibilities that are denied or only partially extended to aliens and other noncitizens residing in a country. Citizenship is a privilege of individuals residing in democratic states. In fact citizenship differentiates citizens from other categories of persons in a state. Citizenship is the most privileged form of nationality because it enables the people to lead a happy, honourable and harmonious life in the state. This broader term denotes various relations between an individual and a state that do not necessarily confer rights and to get all other privileges from the state as its citizens. Citizenship is the privilege of the marked citizens to get benefits from the government of India through welfare and developmental programmes. Therefore all Indian citizens are directly or indirectly getting benefits from the government which means people in India in general and people belonging to below poverty line are in particular but crores of unmarked citizens are getting same benefits and privileges on par with citizens or locals in India because they are living in India.

In this context the paper examines its central themes—concept, context and present status of citizenship in India. The objectives of this paper are firstly to analyse the concept of citizenship (like the greater consolidation of a *jus sanguinis* citizenship); secondly, to elaborate the neutral laws of citizenship along with misconceptions of citizenship acts in India particularly in the context of minorities and refugees about rendering their citizenship in India. This paper examined the concept and importance of “Smart Classroom”. The sources of secondary data are government publications, websites, books, articles in journals etc.

**Key words:** citizenship, *jus sanguinis*, Nationality.

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### Introduction

Citizenship is a privilege of individuals residing in democratic states. Individuals feel it prestigious and proud to have citizenship in their state. In fact citizenship differentiates citizens from other categories of persons in a state. People feel that citizenship enables them to lead a happy, honourable and harmonious life in the state. To say in a word, citizenship instils the feelings of patriotism, sacrifice, broad outlook etc., among the people.

Citizenship denotes status of a person recognized under the custom or law of a state. Persons who possess citizenship are known as citizens. Citizens participate in the affairs of the political organization, i.e., state. According to Salmond Citizens, as members of state, will have personal and permanent relations with the state. They enjoy several rights and privileges. State bestows several rights and privileges on the citizens. These include rights to vote, property, residence in the state etc. besides every citizen has certain responsibilities like paying taxes, rendering military service etc.

Etymologically speaking ‘citizenship’ denotes element of residence in a city-state in ancient period. A ‘citizen’ is one who resides in a city-state. The concept of Citizenship was traced back to the ancient Greek city-states which had small population and less territory. In ancient Greece, citizenship was a privilege conferred

upon a selected few. Women, manual workers, slaves and children were not entitled to the privilege of citizenship.

### Definitions of Citizenship

Aristotle stated that "a Citizen is a person who will have a direct and active role in the administration of the state." The position of citizens was same in ancient Rome. However in medieval Europe,

The social contractualists regarded citizenship as the provision of rights and responsibilities. In this sense, citizenship was described as a bundle of right by which citizens will participated in the activities of the political community. Citizenship entitles them the right to vote and the right to receive protection from the country.

Prof. Laski defined Citizenship as one's contribution of instructed judgement to the Public good. Laski assigned more importance to the Citizenship. He contended that a citizen must contribute his might towards the material and moral advancement of the society. A citizen performs certain responsibilities towards the state for prompting the well-being and progress of the society.

T.H. Marshall: citizenship is a status bestowed on those who are full members of a community. All who possess this status are equal with respect to the rights and duties with which the state is endowed.

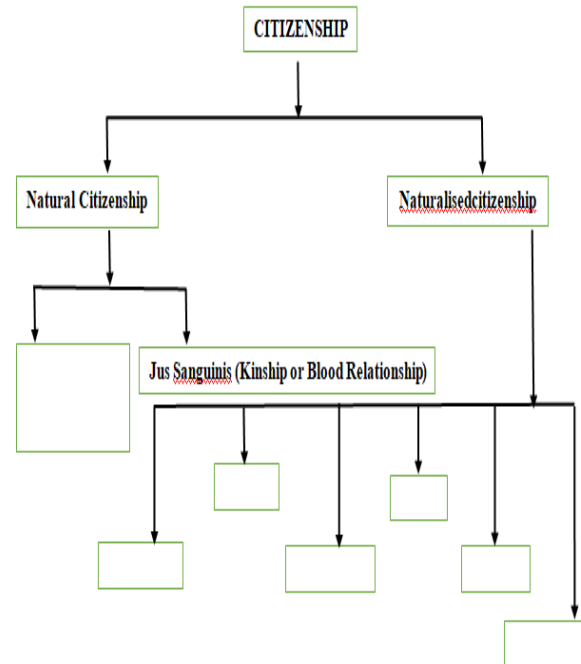
It may be noted that the main conception of citizenship has not changed materially since ancient period. But in course of time it became more positive, constructive and comprehensive, citizenship denotes possession of civil and political rights by the citizens. These rights are vital to the civilised life. Citizens owe allegiance to the state. They have to sacrifice their personal likings, property and other things for the sake of the state. They have to sacrifice their personal likings, property and other things for the sake of the state. They should defend the state at all times and on all occasions.

### Methods of acquiring Citizenship

The value of citizenship varies from state to state. In some states, citizenship means citizen's possession of right to vote, right to hold government offices, the right to receive unemployment relief etc. in some other states, citizenship means privilege of citizen to have participation and share either directly or indirectly in the affairs of state.

Citizenship signifies the relationship between individual and state. Like any other modern state, India has two kinds of people—citizens and aliens. Citizens are full members of the Indian State

and owe allegiance to it. They enjoy all civil and political rights. Citizenship is an idea of exclusion as it excludes non-citizens.



### (i) Natural Citizenship

Natural Citizenship is one which is acquired by the persons without specific application or request to the authorities. It comprises three elements. They are;

- (A) Soil (Jus Soli)
- (B) Blood relationship (Jus Sanguinis) and
- (C) Mixed principle.

#### (A) Jus Soli – (Land or Place of Birth)

Jus Soli means acquisition of citizenship by the principal of land or place of birth. According to the principle, citizenship is determined by the place of birth and not by parentage. It is the place of birth which determines citizenship. This method is more popular since a long time. It was popular in the Middle Ages when citizenship was associated with land. At present, however, this practice is observed exclusively in Argentina.

#### (B) Jus Sanguinis – (Kinship or Blood Relationship)

This type of citizenship denotes acquiring citizenship by kinship or blood relationship. Under this principle blood relationship within the territory of a state entitles a person to have citizenship. Every person is treated as a citizen of the state where he has relationship. According to Jus Sanguinis, a child acquires citizenship of the parents irrespective of its place of birth. Here blood relationship alone determines the

citizenship. For example, a child born to the Indian parents will be treated as Indian Citizen irrespective of its place of birth. This principle of Jus Sanguinis was very popular in ancient period. Even today, this principle is followed by many states in the world. It is considered as natural and logical. It is exclusively observed in several states like Germany, Norway, Italy, Sweden etc.

**(C) Mixed Principle**

Under this method citizenship is granted by following either of the two principles jus sanguinis and jus soli. Many states adopted both these principles. For example in Britain, France and United States, the above two principles are employed simultaneously. In this context there may arise duplication of citizenship. For example, a child born to British parents in the United States becomes an American citizen according to the practice of Jus Soli. The same child becomes a citizen of Britain according to the principle of Jus Sanguinis. In such a case, the child is given option to choose one of its citizenship, after becoming a major.

**(ii) Naturalised Citizenship:** Citizenship may also be acquired through naturalization. According to this method, an alien will become a citizen in a state after fulfilling certain condition. These conditions vary from state to state. Some of them are summed up as follows.

1. **Residence:** An alien who resides in a state for a prescribed period automatically become its citizen. Residence in any part of the state is a must for an alien. The period of residence varies from state to state. For instance it is 5 years in Britain and United States and 10 years in France respectively.
2. **Choice:** The children of alien parents could receive citizenship of the state according to their option and choice.
3. **Application:** An alien in a state may apply for the citizenship of that state. Then the government of that state considers his application on its merits. It grants citizenship to him with or without same conditions. These prescribed conditions refer to a minimum period of residence, good moral character, financial capability and knowledge of one of the national languages. Besides, an alien must take an oath of allegiance before he assumes the citizenship of another state.

4. **Fixed Assets:** An alien who buys some portion of land or acquires some fixed property can acquire citizenship in a state.
5. **Service (Public or Private):** An alien who serves in the government of a state or in a private recognised enterprise could become the citizen of the state. He is entitled for such citizenship if he serves in the public or private authorised departments. He may also be given citizenship if he renders meritorious service in another state.
6. **Marriage:** An alien woman acquires citizenship of a state when she marries the citizen of that state. In some countries when a person marries an alien, citizenship of either of the husband or wife is acquired. For instance, a British lady will acquire Indian citizenship if she marries an Indian citizen. Japanese women do not lose their citizenship even if they marry persons of alien states. The alien person on other hand, acquires the citizenship of Japan if he marries a Japanese lady.

**Differences between Natural and Naturalised Citizenship**

<b>Natural Citizenship</b>	<b>Naturalised Citizenship</b>
Natural citizenship is acquired by the native citizen of a state in his own right.	Naturalised citizenship is conferred by a state on the aliens.
This is acquired on the basis of birth or descent.	This is conferred on the individuals subject to certain conditions like stipulated period of residence, job, property, marriage etc.
It is irrevocable in normal conditions.	It can be revoked any time by the state under certain circumstances like treason.
This is more a right of a citizen than a privilege.	This is more a privilege than a right.
Here the citizen enjoys all the constitutional rights.	Here the citizen enjoys limited rights.

**Types of Citizenship**

There are three types of citizenship. They are (1) Single citizenship, (2) Dual citizenship and (3) Global or Universal Citizenship.

**(1) Single Citizenship**

Single Citizenship implies possession of one type of citizenship, identical rights, privileges and immunities by the citizens in the state. Citizens enjoy this type of citizenship without any discrimination. It is prevalent in many modern states. For instance the constitution of India provided for single citizenship to every Indian citizen irrespective of his place of birth, residence etc.

**(2) Dual Citizenship**

Dual citizenship means possession of citizenship in two States. It is in vogue in some developed and developing countries. For instance, children born to American citizens in other states acquire natural citizenship in both the states – one in their parent American State and another in the state where they are born. However, persons having dual citizenship are not entitled to the special privileges. They are subject to the laws of both countries. Dual citizenship applies to the children until they attain adulthood. Later they have to choose citizenship of one of the two states.

**(3) Global or Universal Citizenship**

Global or Universal Citizenship is the latest phenomena in the contemporary national and international politics. The dramatic events that took place after 1980s and 1990s created a great awareness among the people all over the world. The advancement in communications, science, technology and other spheres transformed human life in a miraculous way.

Even the commonest of common men feel comfortable, convenient and economical in availing the various devices of sophisticated technology. The results of Liberalization, Privatization and Globalization (LPG) have become a boon to them. The various governments in both the advanced and third world states have shifted their priorities ranging from defence to the welfare and wellbeing of common men. As a result, intellectuals

belonging to different walks of life have been given encouragement to go abroad and reap ample benefits.

It is in the above circumstances that large number of citizen have gone abroad for educational, commercial and research purposes. Thousands of them have either settled in foreign states or remained there on work permits. They have earned a lot of money. They remain instrumental in bringing their income to the native states. In the process they have been seeking citizenship in their native state and in the states where they are rendering services. Some states have contemplated the idea of conferring dual citizenship to their citizens in other states. Such an idea became a basis of global citizenship. Use of internet, availing online services etc became useful for the citizens as well as the rulers. Some Nobel Prize awardees and human rights activists popularised the notion of global citizenship. They felt that such a citizenship would ease out tensions between states and peoples of the world on various issues. They expressed the view that governments could spend their budgetary allocations on human progress instead of spending on war operations. Hence, global citizenship has become a prominent concept and ideology in recent times.

**Loss of Citizenship**

Citizens lose their citizenship under the following conditions:

1. Renunciation

A person is deprived of his citizenship, if he wishes to become the citizen of another state. One will lose the citizenship of one's parent state and may become the citizen of a foreign state by naturalization. In India, the constitution prescribes that a person who voluntarily acquires citizenship of any other state will no longer be an Indian citizen.

2. Marriage

Generally a woman loses her citizenship when she marries an alien. However some states allow retention of citizenship. For instance in Britain, there is an option to retain British Citizenship who marries an alien.

3. Accepting Foreign Service

A person may lose this citizenship when he enters into the service of another state. If a

person accepts a permanent job in the government of a foreign state, he foregoes the citizenship of his native state.

4. **Obliging Foreign Decorations or Titles**  
When a citizen obliges to receive foreign decorations or titles without the consent of the native state it may lead to the forfeiture of his citizenship.
5. **Prolonged Absence**  
Prolonged absence in the native state beyond a certain period may lead to the loss of citizenship. In some states like France and Germany citizens who are absent themselves from their native country for more than ten years will lose their citizenship.
6. **Treason**  
Involvement of a citizen in a serious crime and subsequent evidence of his action will also lead to the loss of citizenship. Especially those persons who directly or indirectly participate or extend assistance to anti-state activities, will lose their citizenship by a special notification.
7. **Desertion from Army**  
Desertion from army thereby jeopardizing the security of a state leads to the forfeiture of citizenship.

#### **Context in India**

Citizenship is the basic building block of political order to any country. It conflates the right to reside and move about within a given territory and, the obligation to defend these very same rights. Citizens share their rights and the duty to defend the integrity of their territorial space on equal terms. Conceptually, the 'alien' is the diametrical opposite of the citizen. Being an alien is to be devoid of both rights and obligations. Putting the two concepts in their ideal typical form at opposite ends, one could generate a scale to describe individuals at different levels of citizenship, or alienation, in countries around the world. The main objective of the eleven essays brought together in this volume is to describe the state of citizenship in a number of national and transnational sites. The cases and themes studied here correspond more to the expertise of the author than to a precise typology of the countries that they study. However, attempts have been made to strike a balance between the conceptual and empirical elements and to ensure the representation of both Europe and Asia,

corresponding to the remit of the larger project of which the citizenship study is a part.

The Indian constitution doesn't prescribe a permanent provision relating to citizenship in India. It simply describes categories of persons who are deemed to be citizens of India on the day the Indian constitution was promulgated on January 26, 1950, and leaves citizenship to be regulated by law made by the parliament.

Article 11 of the constitution confers power on the parliament to make laws regarding citizenship. The Indian Citizenship Act, 1955 was enacted in exercise of this provision.

Citizenship is listed in the Union List under the Constitution and thus is under the exclusive jurisdiction of Parliament. The Constitution does not define the term 'citizen' but details of various categories of persons who are entitled to citizenship are given in Part 2 (Articles 5 to 11). Unlike other provisions of the Constitution, which came into being on January 26, 1950, these articles were enforced on November 26, 1949 itself, when the Constitution was adopted.

Under the Indian constitution, certain fundamental rights are available only to the citizens, namely: Right against discrimination on the grounds of religion, race, caste, sex or place of birth (Article 15); right to equality of opportunity in matter of public employment (Article 16); freedom of speech and expression, assembly, association, movement, residence and profession (Article 19); cultural and educational rights (Article 29 and 30); and right to vote and become members of the union and state legislatures.

#### **The persons deemed to be citizens of India when the constitution was promulgated**

There are four categories of persons, identified between Articles 5 and 8 of the constitution, who were deemed eligible to become citizens of India when the constitution came into effect.

##### **i) Citizenship by domicile:**

**Article-5:** It provided for citizenship on commencement of the Constitution. All those domiciled and born in India were given citizenship. Even those who were domiciled but not born in India, but either of whose parents was born in India, were considered citizens. Anyone who had been an ordinary resident for more than five years, too, was entitled to apply for citizenship.

**Article-6:** Since Independence was preceded by Partition and migration, Article 6 laid down that persons who have migrated from Pakistan to India have been classified into two categories: those who came to India before July 19, 1948, who migrated to India before July 19, 1948, would automatically become an Indian citizen if either of his parents or grandparents was born in India. But those who came on or after July 19, 1948 means those who entered India after this date needed to register themselves, if he/she has been registered as a citizen of India, after residing for at least six months immediately before the date of applying for registration.

**Article-7:** Provided Rights of citizenship of certain migrants to Pakistan: If a citizen of India has migrated to Pakistan after March 1, 1947, but returned to India on the basis of permit for resettlement in India, the person is entitled to become a citizen of India if he/she registers herself as a citizen of India, after residing for at least six months immediately before the date of applying for registration, by an officer appointed by the government of India. Therefore those who had migrated to Pakistan after March 1, 1947 but subsequently returned on resettlement permits were included within the citizenship net.

**Article-8:** Provided Rights of citizenship of certain persons of Indian origin residing outside India. Indian nationals (whose parents or any grandparents were born in India as defined in the Government of India Act, 1935) residing abroad shall be conferred Indian citizenship, as if they have been registered by the diplomatic or consular representatives of India in the country where they are residing.

**Article-9:** Provided that if any person voluntarily acquired the citizenship of a foreign State will no longer be a citizen of India.

**Article-10:** It says that 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:** It empowers Parliament to make any provision with respect to the acquisition and termination of citizenship and all matters relating to it.

#### **Acts and Amendments**

The Citizenship Act, 1955 provides for the acquisition and determination of Indian citizenship.

#### **The provisions under the Citizenship Act, 1955**

The Act provides for acquisition of Indian citizenship in the following ways:

i) **Citizenship by birth:** Anyone born in India on or after January 1, 1950, would be deemed a citizen by birth. This limit was further amended to include those born between January 1, 1950 and July 1, 1987. By the Citizenship Amendment Act, 2003, persons born after December 3, 2004, would be deemed to be citizens of India if either of the parents is Indian or one of the parents is a citizen of India and the other was not an illegal migrant at the time of the person's birth. "Illegal migrant" means a foreigner who has entered India: without a valid passport or travel documents; or with a valid passport or travel documents but remained in the country beyond the permitted period of time.

ii) **Citizenship by descent:** A person born outside India shall be deemed to be a citizen of India if either of the person's parents was a citizen of India at the time of his/her birth provided that the birth is registered within one year of its occurrence or commencement of the Act, whichever is later, at the Indian consulate.

i) Anyone born outside the country on or after 26 January 1950, but before 10 December 1992, can be considered an Indian citizen by descent if their father was an Indian citizen by birth.

ii) Anyone born outside India on or after 10 December 1992, but before 3 December 2004, can be considered an Indian citizen if, at the time of their birth, either parent was a citizen of India by birth.

iii) Anyone born outside India on or after 3 December 2004, can be considered a citizen of India if their parents declare that the said minor does not hold a passport of another country and that his/her birth is registered at an Indian consulate within a year of their birth. There is even a procedure in place for the same.

iii) **Citizenship by registration:** A person may be registered as a citizen of India, if the person is married to a citizen of India or has been a resident of India for five years immediately before making an application for registration.

To qualify for registration, following conditions need to be fulfilled.

- i) Person Indian origin who has been a resident of this country for 7 years before applying for registration.
- ii) Married to an Indian citizen and is a resident for 7 years before applying for registration.
- iii) Persons of Indian origin who are ordinarily resident in any country or place outside undivided India under section 5(1)(b).
- iv) Minor children of persons who are citizens of India.

To understand the procedure for getting Indian citizenship under section 5.

iv) **Citizenship by Naturalisation:** A person is granted a certificate of naturalisation if the person is not an illegal migrant and has resided in India for 12 months before making an application to seek the certificate. Of the 14 years preceding this 12-months duration, the person must have stayed in India for 11 years.

Anyone can acquire citizenship if they are ordinarily a resident of India for 12 years (throughout 12 months preceding the date of application and 11 years in the aggregate) and fulfills other qualifications as stated in the Third Schedule of the Citizenship Act. Earlier this month, the Parliament passed the **Citizenship Amendment Act, 2019**. Under this amendment, illegal immigrants who have entered India on or before 31 December 2014, belonging to Hindu, Sikh, Buddhist, Jain, Parsi and Christian faiths facing “religious persecution or fear of religious persecution” in their countries of origin (Pakistan, Bangladesh and Afghanistan) are eligible for citizenship. It also relaxes the residence requirement for naturalisation from 11 years to 6 years. However, this law is being challenged in the Supreme Court.

v) **Citizenship by incorporation of territory:** If any new territory becomes a part of India, the government of India shall specify the persons of the territory to be citizens of India.

If the central government is of the opinion that an applicant is a person who has rendered distinguished service to the cause of science, philosophy, art, literature, world peace or human progress generally, it may waive all or any conditions specified to attain Indian citizenship.

vi) **Acquisition of Citizenship of another Country**

Any citizen of India who by naturalization, registration or otherwise voluntarily acquires, or has at any time between the 26th January 1950 and the commencement of this Act voluntarily acquired, the citizenship of another country, cease to be a citizen of India. However, this does not apply to a citizen of India, during any war in which India may be engaged, voluntarily acquires the citizenship of another country, until the Central Government otherwise directs. If any question arises as to whether, when or how any person has acquired the citizenship of another country, it shall be determined by such authority, in such manner, and having regard to such rules of evidence, as may be prescribed in this behalf.

#### **No Dual Citizenship**

The Act does not provide for dual nationality or dual citizenship. It only allows citizenship for a person who is listed under the provisions above—by birth, descent, registration or naturalisation.

- The Act does not provide for dual citizenship or dual nationality. It only allows citizenship for a person listed under the provisions above i.e. by birth, descent, registration or naturalisation.
- The act has been amended four times – in 1986, 2003, 2005, and 2015.
- Through these amendments Parliament has narrowed down the wider and universal principles of citizenship based on the fact of birth.
- Moreover, the Foreigners Act places a heavy burden on the individual to prove that he/she is not a foreigner.
- 1986 amendment: Unlike the constitutional provision and the original Citizenship Act that gave citizenship on the principle of *jus soli* to everyone born in India, the 1986 amendment to Section 3 was less inclusive.
  - The amendment has added the condition that those who were born in India on or after January 26, 1950 but before July 1, 1987, shall be Indian citizen.
  - Those born after July 1, 1987 and before December 4, 2003, in addition to one’s own birth in India, can get citizenship only if either of his parents was an Indian citizen at the time of birth.

- 2003 amendment: The amendment made the above condition more stringent, keeping in view infiltration from Bangladesh.
  - Now the law requires that for those born on or after December 4, 2004, in addition to the fact of their own birth, both parents should be Indian citizens or one parent must be Indian citizen and other should not be an illegal migrant.
- With these restrictive amendments, India has almost moved towards the narrow principle of jus sanguinis or blood relationship.
- This lays down that an illegal migrant cannot claim citizenship by naturalisation or registration even if he has been a resident of India for seven years.

The amended Citizenship Act of 1955 does not provide for dual citizenship or dual nationality. It only allows citizenship for a person listed under the provisions above i.e., by birth, descent, registration or naturalisation.

Section-9 of the Citizenship Act, 1955 deals with termination. According to the provision, any citizen of India, who by registration, naturalisation or otherwise voluntarily takes the citizenship of another country, shall upon such acquisition cease to be a citizen of India. Cases of termination or cessation of citizenship will be determined ultimately by courts of law

**Citizenship (Amendment) Bill 2019:** The amendment proposes to permit members of six communities – Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Pakistan, Bangladesh and Afghanistan – to continue to live in India if they entered India before December 14, 2014.

- It also reduces the requirement for citizenship from 11 years to just 6 years.
- Two notifications also exempted these migrants from the Passport Act and Foreigners Act.
- A large number of organisations in Assam protested against this Bill as it may grant citizenship to Bangladeshi Hindu illegal migrants.
- The justification given for the bill is that Hindus and Buddhists are minorities in Bangladesh, and fled to India to avoid religious persecution, but Muslims are a majority in Bangladesh and so the same cannot be said about them.

- The law will not be extended to Rohingya Muslims persecuted in Myanmar; Shia and Ahmadiyya Muslims in Pakistan; Hazaras, Tajiks and Uzbeks in Afghanistan; Tamils in Sri Lanka; and atheists in Bangladesh.

#### **Exemption from the implementation of the Citizenship (Amendment) Act, 2019 to particular states**

Parts of north-east under the Inner Line Permit (ILP) regime and those included in the sixth schedule to the Indian Constitution have been exempted from the application of Citizenship (Amendment) Act. The bill states, “Nothing in this section shall apply to tribal areas of Assam, Meghalaya, Mizoram or Tripura as included in the Sixth Schedule to the Constitution and the area covered under ‘The Inter Line’ notified under the Bengal Eastern Frontier Regulation, 1873.”

To enter Arunachal Pradesh, Nagaland (excluding Dimapur) and Mizoram, one requires a special permit ILP. Therefore, Arunachal Pradesh, Nagaland and Mizoram along with parts of Meghalaya, Assam and Tripura have been kept out of the purview of the Citizenship (Amendment) Act. In the run-up to the publication of the final National Register of Citizens (NRC) in Assam, the Supreme Court, in August, 2019 rejected a plea to include those born in India between after March 24, 1971 and before July 1, 1987 in NRC unless they had ancestral links to India. In any other Indian state, they would have been citizens by birth, but the law is different for Assam. In this context, citizenship has become the most talked about topic in the country.

#### **Criticism on Citizenship (Amendment) Act, 2019**

Prior to 2019, the amendments in the Citizenship Act, 1955 never explicitly restricted grant to citizenship to certain religious communities. The previous governments had a holistic approach – either they never provided for citizenship to illegal migrants or provided citizenship to illegal migrants belonging to all the communities.

Omitting certain religious communities has raised questions about whether the secular credentials of the constitution were being discarded. More so, specific denial of citizenship to Muslims, by the BJP government that has been very vocal about its Islamophobic stances, hints that a larger communal agenda of the BJP and RSS is at play. Legal experts say that the new citizenship law violates the fundamental

right under Article 14 of the Indian constitution that guarantees equal protection of laws, even to the aliens, in the territory of India.

### Conclusion

Citizenship remains significant when fundamental rights enshrined in the constitution are available to all the citizens. Further, citizenship ensures the citizens many political rights. Citizens could exercise their vote in elections to the various representative bodies. They could also contest for the membership of legislative bodies. Above all, citizens alone are eligible for appointment to the highest offices in the executive like President, Vice-President, judges of the supreme Court, High Court etc., Along with the above rights, citizens also owe certain responsibilities towards the state such as payment of taxes, defending the country as and when required etc.

Giving concession of six years for residence based only on religion is against the tenets of secularism. This should be dropped to stand the test of 'basic structure doctrine'. India, as a country which follows the ideology of 'Vasudhaiva Kutumbakam', should not be hasty in taking decisions that can disenfranchise her citizens – contradicting its centuries-followed values. The need of the hour is that the Union Government should clearly chart out the course of action regarding the fate of excluded people from final NRC of Assam and political parties should refrain from colouring the entire NRC process through electoral prospects that may snowball into communal violence. An overly legal approach will only produce more tension, insecurity and anxiety.

Among the many dualities that India continues to negotiate is that between the marked and the unmarked citizen, and it is the form that these dualities have taken in recent times that is my subject here. In my book, *Citizenship and Its Discontents: An Indian History* (2013), I had, among other things, argued that citizenship is the privilege of the unmarked because for those belonging to variously disadvantaged groups, the road to citizenship lies only and paradoxically *through* being marked as different, and implicitly even inferior. We could identify broadly two types of markers, apparently distinct, though there are overlaps between them. The first, such as Below Poverty Line, are necessary to secure even minimal access to the entitlements of social citizenship, but the affectation of inclusion hides the deceit of exclusion. These statist markers may be contrasted to a second type, those that

are descriptive of identities—Hindu, Muslim, Dalit—but transmit signals, implicitly or explicitly, of the privilege of inclusion for some and the detriment of exclusion for others. The difference is deceptive. Both sets of markers, differently stigmatised, are productive of a diminution of citizenship and, in the case of groups like poor Dalits, are jointly complicit in negating the possibility of citizenship itself. Assessing the major reconfigurations of citizenship in the last few years, I will argue that we observe, with respect to both types of markers, not the realisation of substantive citizenship, but in fact a substantive erosion of even formal citizenship.

In this paper, I propose to revisit some of the themes I explored in my book, *Citizenship and Its Discontents*, with a view to identifying and analysing some reconfigurations of citizenship in India that have occurred since that book was published in 2013. What are the pre-eminent challenges to citizenship today? How does the landscape of citizenship in India look today when viewed through the prism of the three components of citizenship—status, rights and identity—that structured that work?

The book presents the story of Indian citizenship as one that straddles the twentieth century, a century of disagreement and deep contestation over the idea of citizenship. This paper will focus on a very short time-span of four years, and will reflect on all three dimensions of citizenship, viz. legal status, rights and identity. In each section thus organised, I will briefly recapitulate the main arguments relating to each of these dimensions in the book before discussing the contemporary challenges of citizenship.

### Suggestions

In India, *Citizenship and Its Discontents* documented a subtle shift from the more inclusive principle of legal citizenship articulated in the Constitution to a less inclusive conception—from a *jus soli* or birth-based principle to an increasingly, if covertly, *jus sanguinis* or descent-based principle. It showed how, though India adopted the *jus soli* principle, the tension between these two principles has been present (if dormant) since the founding of the republic, and how the laws, rules and the jurisprudence on citizenship have come to be increasingly, if subtly, inflected by religion.

Through this limited and illustrative survey of the landscape of citizenship in present-day India, I have sought to argue that the legal status of equal citizenship is under challenge by a legislative amendment that seeks to introduce explicit religious difference into the religion-neutral law of citizenship; that the rights of

social citizenship are being compromised by a shift from a rights-based approach to a contributory approach to welfare, and by the punishing requirement of a digital identity; and, finally, that the inclusionary provisions of the Constitution, providing equal citizenship to members of diverse social and religious groups, are being undermined by acts of routinised violence against minorities and lower castes that are executed with impunity. The philosophy of citizenship today is one of creating second-class citizens based on caste and religious identity, and implicitly keeping the poor as the lesser citizens they have always been.

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