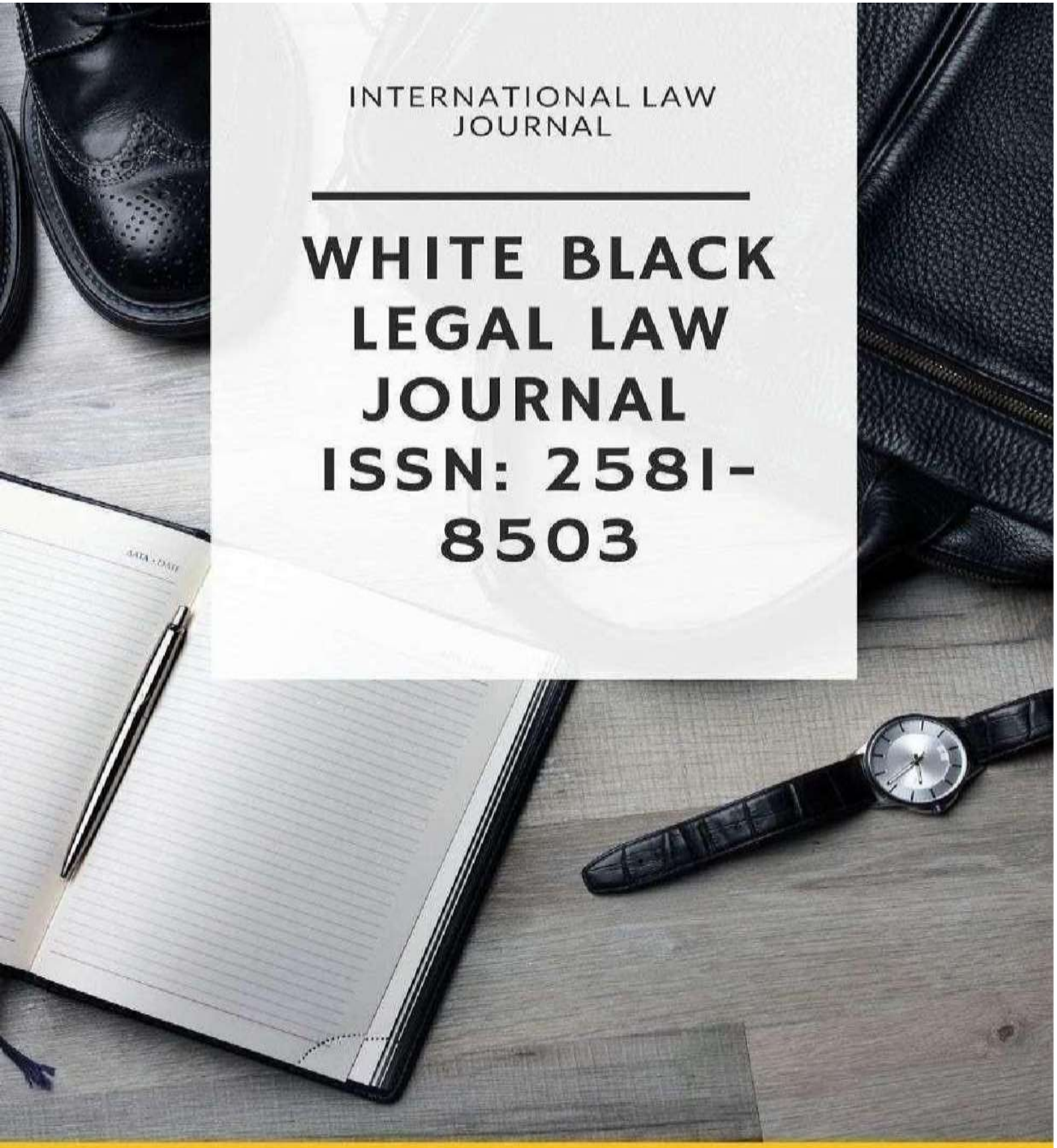


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CITIZENSHIP UNDER THE INDIAN CONSTITUTION: FOUNDING VISION VERSUS CONTEMPORARY LEGAL FRAMEWORK

AUTHORED BY - ASHISH GUPTA

Abstract

A citizen enjoys fundamental rights including right to work, right to vote, right to return, etc. in his or her country. At the same time, the citizen is also bound to observe duties of citizenship. It reflects that the right to citizenship is not an absolute one, and the legislature may impose reasonable restrictions on the enjoyment of one's citizenship. Every country has its own immigration laws which regulate the entry and stay of immigrants. Right to participate in the government is also being regulated by the immigration laws. For this, the countries differentiate between 'nationality' and 'citizenship'. However, it has also been seen that the countries sometimes make strict immigration laws, and exclude foreigners on the discriminatory basis. That's why the International Conventions and other instruments have a check on such immigration laws

There are many ways of acquiring citizenship of a country. A citizenship can be acquired by birth, marriage, honorary basis, etc. is automatic. But immigration laws nowadays are strict in order to regulate false marriages, where people marry each other for money or other benefits. States also grant honorary citizenship. For example, Canada offered honorary citizenship to Pakistani teenage activist Malala Yousafzai. Ms. Malala has become just the sixth person to be granted honorary Canadian citizenship after South African antiapartheid hero Nelson Mandela, Nobel Peace Prize laureate Aung San Suu Kyi, Tibetan spiritual leader Dalai Lama, British business magnate Aga Khan and Swedish diplomat Raoul Wallenberg.[1]

Citizens are full members of the state. These citizens enjoy full civil and political rights. Aliens are not entitled to all constitutional and other rights because they are not citizens. For example, in India, aliens have right to life and personal liberty but not the freedoms guaranteed under Article 19 of the Indian Constitution. Furthermore, enemy aliens suffer many more difficulties. In India, enemy aliens cannot enforce Article 22 of the Constitution which protects the rights

[1] 'Canada offers Malala honorary citizenship' The Hindu October 17, 2013. Also see, https://en.wikipedia.org/wiki/Honorary_Canadian_citizenship#cite_note-9 (accessed on 15.3.2015 at 4 pm.)

of accused persons detained under preventive detention laws. Stateless Persons are persons who are not citizens of any country. Their status is similar to aliens.[2] In the present module, the Indian Constitutional Provisions relating to the subject of 'citizenship' have been discussed in the detailed manner. Rights of the Indian citizens, Non-residents Indians, and Overseas Indians have also been analysed.

Introduction

A resident of the State partake in all respectful and political freedoms. Under Indian Constitution, certain essential and pivotal privileges are accessible just to residents, to be precise and particular, right to the right to talk openly of discourse and expression, social and educational privileges, and right against right to cast a ballot and so on. Central Privileges resembling Fairness under the watchful eye of Regulation or equivalent coverage of rules within the field of India and Security of Life and individual freedom are accessible to non-residents as well. Indian Constitution doesn't subscribe to super durable arrangement involving with the citizenship in India. The Indian Citizenship Act, 1955 was instituted according to the under Article 11.

The Demonstration accommodates the obtaining of Citizenship by birth, naturalization and consolidation of some domain into India, The Citizenship Alteration Act, 2019 exonerates separate assemblies of illicit travellers from Outsiders Act, 1946 and The Identification Act, These meetings i.e., Hindus, Sikhs, Buddhist, Jain, Parsis and Christians from these three nations, who appeared in India at the extremely most latest 31-Dec-2014, are qualified for citizenship and people from any of these three nations will not be extradited nor detained for being in India without having authentic records. The Citizenship Change Act, 2019 has developed a disturbance all through the country as the way of giving citizenship has been generally reprimanded to be discriminative established on religion.

Citizenship Correction Act, 2019, the proposal of Cross-country Public Register of Residents (NRC) refreshing activity has been a reason for alert among individuals as the activity might make them lose their citizenship in the occurrence that they can't provide evidence of their citizenship, in particular the Muslim people category as others have now been protected by the new Citizenship Revision Act, 2019. To resolve this problem the makers of the Constitution included rules about citizenship in Part II of the Constitution. These articles help to elucidated who would be assessed citizens of India when the constitution came in to force in 26th January

[2] Brij Kishore Sharma, Introduction to the Constitution of India (Prentice Hall of India 2005) 5

1950.

Article 5 gave citizenship to the people that had their lasting and enduring home in India. Article 6 dealt with the problem of the people that came to India from Pakistan during division. Article 7 was on people who moved to Pakistan but returned to India. Article 8 gave citizenship rights to people of Indian source who were residing in other countries. immediate issues after independence, but this was not meant to be lasting and enduring. The makers of the Constitution knew that laws on citizenship might need to adjust in the future. So, the Constitution maker gave the power to the Parliament to make laws relating to citizenship. This power is given under article 11 of the Constitution, Using this power, Parliament exercised and passed the Citizenship Act, 1955. Know this Act is the prime law of controlling the citizenship in India. It explains various modes by which a person can become the citizen of India. A person can get citizenship by birth, by descent, by registration, by naturalization or when a new area becomes part of India.

The Act also further explains how a person can lose or give up citizenship. Another important and essential rule pertaining to citizenship law is equality before the law, which is given in article 14 of the Constitution, This article 14 for the port: The government should treat all people equally. The state should not make such laws which are unfair and discriminate. All people in India to have the same protection under the law. This rule is significant when looking at laws pertaining to citizenship. Citizenship law has become a point of strong debates in India While proponents argue that the CAA is aimed at providing a refuge to oppressed minorities from neighbouring countries, concerns are raised about the potential effect of this on the secular fabric of the nation and its conformity to the principles of the constitution. Civil Engineering Research International Journal of Law and he CAA believe that it is a humanitarian gesture to provide a haven for mistreated religious minorities in the neighbouring countries. The narrative points out the historical and continuing persecution experienced by these groups, that the CAA is a compassionate reaction to their plight.

The emphasis on non-Muslim minorities from Muslim majority countries is explained by the notion of the specific groups being more expected to face religious persecution. However, critics argue against the specific inclusion of specific religious groups and omission of Muslims disturbs the secular fabric of Indian constitution. They assert that citizenship laws should be enacted on equal and non-discriminatory principles, irrespective of religious affiliations. Concerns have been raised with the potential implications of CAA on the marginalized Muslim population in India which is fuelling anxieties about their status and rights in the count

Statement of Problem

The Citizenship Act, 1955 The act was made by the Parliament of India to make the rules of choosing the citizenship clear. This law deals with the issue of how a person can become a citizen of India and how the loss of citizenship takes place. The Act was made under the power given to Parliament under article 11 of the Constitution. Article 11 enables the Parliament to make laws regarding the matters of citizenship. Since its creation this Act has played an important role while deciding who can be recognized as a citizen of India.

Over the years, Citizenship Act,1955 has been changed many times. These changes were made because of social, political and population conditions continued to change. One of the most talked about amendment in last few years is the Citizenship Amendment Act (CAA), 2019. This amendment introduced a special provision in the Indian Citizenship Rule of granting citizenship to certain religious minorities.

According to this amendment, people belonging to Hindus, Sikhs, Buddhists, Jains, Parsis and Christians who came from Pakistan, Bangladesh and Afghanistan before 31 December 2014 can apply for Indian citizenship through an easier process but this amendment has created a lot of debate in India. Many people assume the use of religion as a condition for citizenship may result in discrimination. Critics claim that the law is exclusive of Muslims and some other communities. In the other hand, the supporters of the amendment argue that the law is intended to assist the religious minority who have been persecuted in neighbouring countries.

According to them, these communities were discriminated against and faced violence and hence, the amendment helps to give them some protection and a safer life in India. Due to these various opinions, an important constitutional issue has been raised. The issue is whether the classification effected by this amendment is reasonable under article 14 of the Constitution. The law should only treat groups differently if there is good reason, and if this rule is linked to the reason for having the law. Therefore, the major issue to be considered under this project lies in addressing the question of whether the Citizenship Act, in particular after the amendment passed in 2019, adheres to the constitutional principle of equality of or if there is unfair discrimination in violation of fundamental rights.

REVIEW OF LAW AND SOURCE

The basic principles for citizenship given in the Constitution of India are: These rules are found in Part II of the Constitution and it is given in Articles 5 to 11. These articles were made to avgenderte who is going to be assessed citizens when the Constitution comes also to force on

26th January 1950.

Article 5: It provided for citizenship on passing of Constitution. All those domiciled and born in India were given citizenship. Even those domiciled but not born in India but of either parent were born in India, were evaluated citizens. Anyone who had been a standard resident for more than 5 years too, was entitled to apply for citizenship

Article 6: It provided rights of citizenship of certain persons who have migrated to India from Pakistan. Since Independence had been preceded by Partition and migration, article 6 laid down that anyone who had migrated to India before July 19, 1949 was automatically going to become an Indian citizen if either of his parents and even his grandparents were born in India. but those who entered India after this date had to register themselves.

Article 7: It provided the rights of citizenship to some migrants of Pakistan[3]. Those who had migrated to Pakistan after March 1, 1947 but were subsequently repatriated on resettlement permits were in the citizenship net. The law was more sympathetic to the persons who migrated from Pakistan and called them refugees than to those who in a state of confusion were stranded in Pakistan or went there but determined to return soon.

Article 8: Providing Rights of citizenship of particular persons of Indian source living outside India. Any Person of Indian Origin residing outside India who or either of whose parents or grandparents was born in India could register him or herself as an Indian citizen with Indian Diplomatic Mission.

Article 9: This Article has been provided which states that if any person had voluntarily acquired the citizenship of Foreign State, he would no longer be a citizen of India.

Article10: It article 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. : It provides Authority to Parliament is to make any provision with respect to acquisition and cessation of citizenship and all matters relating thereto.

The Citizenship Act, 1955

The central and vital piece of legislation in India, has been the basis for determining the regulatory of citizenship in the country. One of the basic and essential aspect of Citizenship Act is the definition of a citizen of India. The Act classifies modes of citizenship, most of which are based on birth, descent, registration, naturalization and incorporation of region. Article 5 of the Act implies the creation of the criteria to receive the citizenship at the date of

[3] Article 7 of the Indian Constitution – GKToday https://www.gktoday.in/article-7-of-the-indian-constitution

commencement of the Constitution, in other words, those born or with parents born in India, or had period of continuous residence for the given period of time before the commencement of the Constitution. The later ones are dealing with the very precise and concrete situations; concerning rights of persons who emigrated from Pakistan, persons who emigrated to Pakistan, persons of Indian source who live abroad and persons who voluntarily acquire the citizenship of a foreign State.

Article 6 of Citizenship Act relates to the privileges of the citizenship of those who migrated from Pakistan. It describes conditions for persons, or an parent or his grandfathers, born in India as defined by Government of India Act, 1935. The Act defines two classes of pre- and post-July 19, 1948 migrants whose continuous residence requirements differ on the former, and registration procedures on the latter. The careful drafting shows the historical context of partition and the arrival of people from across the world who were seeking refuge and a home in India.

Article 7 of the Act deals with the rights of citizenship of those immigrants who migrated to Pakistan after March 1, 1947. The provision deems such individuals from being considered as evaluated citizens of India with a crucial and vital deviation for the returning under resettlement or lasting return permit. This is a slight deviation of nature to the complexities that come from population movements during this period of the tumultuous time of division.

Article 8 grants citizenship rights to persons of Indian Source no living outside India. The provision allows for people meeting certain criteria to be entered as Indian citizens by diplomatic or consular representatives such as if one had parents or grandparents born in India. This provision recognises the Global Diaspora of India and provides a legal framework for them to link up with the homeland.

Article 9 provides limitations on individuals who voluntarily acquire the citizenship in a foreign state. Such persons are excluded from the citizenship of India, thus showing that the legislature intends to avoid dual citizenship. This provision is essential to ensure that the citizens maintain a singular allegiance and avoid possible conflicts which could arise as a result of dual nationality.

Article 10 emphasizes on the continuity of rights of citizenship. It ensures that people recognised as citizens under the Act do not lose their status under the Act in accordance with rules which might be promulgated by Parliament. This provision helps to bring stability in the citizenship framework as it gives an assurance to individuals that their citizenship will not be arbitrarily modified Article 11 gives Parliament the power to regulate the right of citizenship. This supreme provision emphasizes the dynamic nature of the problems of citizenship and

gives the legislative power the power to adjust the law to changing conditions. It recognises the need for continued legislative intervention to meet problems and complexities that emerge in the field of citizenship.

D.D. Basu Introduction to the Constitution of India

D.D. Basu's Introduction to the Constitution of India remains a seminal work for understanding the broad contours of Indian constitutional law. In the setting of citizenship, Basu offers a concise yet organized exposition of Articles 5 to 11, outlining the constitutional provisions governing the determination of citizenship at the time of commencement and the role of parliamentary legislation thereafter. He contextualizes these provisions against the backdrop of Partition and the framers' intent, concisely referencing Constituent Assembly Debates to highlight the intricacy of initial citizenship queries.

However, Basu's treatment of citizenship, while doctrinally sound, is largely descriptive and formalistic. The analysis tends to prioritize legal classification over a deeper exploration of the socio-political dimensions of citizenship. Issues such as omission, identity, statelessness and the developing nature of citizenship in response to changing political ideologies are notably underexplored.

D.D. Basu Introduction to the Constitution of India 2015. D.D. Basu's Introduction to the Constitution of India has been an orbiting work for a grasp of the broad bearings of the Indian constitutional law. In the context of citizenship, Basu gives a brief but systematic exposition of articles 5 to 11, which deal with the constitutional provisions relating to determination of citizenship at the time of commencement and role of parliamentary legislation after that. He contextualises these provisions against the backdrop of Partition and the intention of the framers and provides a brief reference to Constituent Assembly Debates that stands out in our understanding of the complexity of questions surrounding the early citizenship. However, Basu's treatment of citizenship though doctrinally sound but is largely descriptive and formalistic in nature. The illustration tends to focus on legal categorization at the expense of a better understanding of the socio-political aspects of citizenship. Issues such as exclusion, identity, statelessness and the changing nature of citizenship to the changing political ideologies are notably under explored.. In spite of these gaps, Basu's work holds the status of a basic reference point. It provides the legal scaffolding on which more important and contemporary analyses, especially of constitutional morality and secularism in a context of

citizenship can be constructed and questioned.[4]

M.P.Jain, Indian Constitutional Law (2013).

M.P. Jain's Indian Constitutional Law (6th ed., 2013) is a comprehensive and authoritative work that achieved in depth exposition about Indian Constitution, widely relied text on the part of scholars, practitioners and students alike. In connection with citizenship, Jain gives elaborate analysis of the articles 5 to 11 with a special focus on the historical and legal backdrop in the time of the framing of the Constitution. He inspects the principles on which citizenship stood at the beginning of the Constitution and defines the limitations on the power of parliament under Article 11, to control the acquisition and termination of citizenship by statute. Unlike D.D. Basu, Jain's treatment is more expansive and also ventures into making some critical comments especially while analysing the statutory developments such as Citizenship Act, 1955. However, even this edition comes at the expense of its socio-political or exclusionary facets, dealing primarily with legislative competence and judicial interpretation, rather than the politics of citizenship. It does not dilemma citizenship as a lived experience constituted by identity, migration and communal politics in any meaningful way.

ANALYSIS AND DISCUSSION

The Founding Vision: Secularism and the Rejection of Religion as a Citizenship Criterion in the Constituent Assembly, Dr. B.R. Ambedkar spoke out marking provision related to citizenship as giving the Drafting Committee a "headache" like no other article18. This was due to the immense and vast crisis activated due to the Partition which displaced millions of people, accompanied by large scale violence and dispossession, gave rise to the queries of the identity and belonging. He pointed out that these provisions related to citizenship not in a broad sense but citizenship on the date of commencement of the Constitution.

Several members of the Constituent Assembly over these provisions as they were drafted and raised possible amendments on various grounds. P. S. Deshmukh was the most vocal critic, argued that the provisions of the Draft article 5, with its different clauses would have the result of making Indian citizenship the cheapest on the earth19, for none of the criteria laid down in these clauses had any relationship with parentage. Clause (a) of the draft article (5) required that a person should be born in the area of India. It was contended that if a child happens to be

[4] D.D. Basu - Introduction To The Constitution of India
https://www.scribd.com/document/771188732/D-D-Basu-Introduction-to-the-Constitution-of-India

born at any place in India to a couple who were travelling in an aeroplane which halts in India, then such a child would be a citizen of India. Further, as per Clause (b) a person having either parent born in India, would be seen as a citizen at the commencement of the Constitution. As discussed on the previous illustration, a child born to a person who is being delivered in India in the course of an air journey would again be a citizen of India. With regard to clause (c) which had prescribed a minimum period of five years of standard residency in India as a standard, he argued that it had no reference to the purpose of such residency

He favoured a more limiting approach of restriction of citizenship of those born in India Indian parentage and recommended that Hindus and Sikhs should have the right of citizenship in India along with the right to retain such citizenship till no other is obtained for these groups have no other country for citizenship right.

Jaspat Roy Kapoor raised concern rightly for the fact that draft provisions concerned citizens only with regard to the commencement of the Constitution and the future queries to the Constituent remained unanswered. He suggested that the draft Article 5 should be made to cover the case of persons having recently been born in India and of Indian parents, after the 26th of January, 1950 in the following manner: He moreover raised his concern of accepting amendments that would enable persons who migrated to Pakistan if after19th July, 1948, they come back to India after acquiring valid permit to get themselves recorded as citizen of India. He was of the view point that migration of a person from India to Pakistan amounted to more the transfer of his loyalty to Pakistan from India. Questions would moreover come up relating to the attribute which such persons had left behind.

Bhopinder Singh in the context of the date of July 19th, 1948 prescribed for purpose of citizenship, pointed out that weak kind of secularism had crept in, that there was partiality shown to those who deserved it the least and also that there was not sufficient protection given to Hindu and Sikh refugees.

He furthermore pointed out that their status as citizens was not to be automatic but, subject to registration24. He noticed that the amendment proposed by Gopalswami Ayyangar was the one objected to the most. Broadly the proposal provided that the persons who have come back to India with permanent intents should be treated as the citizen of India. The chief ground for opposition to this proposal in Nehru's view was that such persons might take into possession the evacuee attribute which would otherwise have vested with the refugees. He admitted that in all possibility, specific incorrect persons might have come back to India before July, 1948, but it was not possible to analyse the hundreds of thousands of such instances. Further, these rules must apply invariably for Hindus, Sikhs, Muslims and Christians and separate rules

could not be provided for each of these groups. He pointed out that in issue of permits for lasting and enduring resettlement in India; a great deal of care has been taken. He furthermore highly objected to the repetitive and monotonic use of the term "secular" in the Assembly, citing that being a secular state was not an act of generosity but was something that every country does except a few "misguided" and "backward" countries

Clause (c) by laying down that if a person is continuously a resident of India for a period of five years, and further has his domicile in India he will be regarded as a citizen, takes care of this class of persons. Draft article 5A designed to give for instances of "mass migration" from Pakistan to India, of persons who intended to make India their stable and constant home. This Article did not make any distinction among people on the ground of their community or sect. It puts down a generally applicable providing. Clause (b) of this provision provided for registration of migrated persons. Clause (2) puts down specific safeguards in this regard. It furthermore provides that no registration shall be made unless the person implementing has resided at least for a period of six months in India.

As Dr. B.R. Ambedkar pointed out in the Constituent Assembly the Constitution did not seek to lay down a stable and constant law of citizenship in India. It exclusively downed the classes of persons to be bequeathed as the citizens of India at the commencement of the Constitution. The rest of the law of citizenship was left to be laid down and regarded the Parliament in the future.

Citizenship Act, 2019 (Amendment)

This amendment has been produced a special way for some religious minorities from neighbouring countries to get Indian citizenship more easily. And according to this law, the persons who belong to certain religions and who entered India even before 31st December 2014 can apply for Indian citizenship through a faster process. The religions included in this amendment are Hinduism, Sikh religion, Buddhism, Jain religion, Parsis and Christians. The law primarily applies to people who came from Pakistan, Bangladesh and Afghanistan. These are countries are the neighbours of India and have Muslim majority people.

Citizenship Act, 1986

It made a special provision with regard to citizenship of persons of Indian source covered under the Assam Accord. There were agitations against the foreigners in late 1970s and early 80s in Assam. The problems appeared in the wake of constant entry of migrants into Assam from the

porous Indo-Bangladesh border. Following the accord by Assam the amendment to Citizenship Act, 1955 in 1986 gave birth to a sixth form of citizenship in India to be only applicable to Assam. Roy points out that while migration was a ground for entry adventure for citizenship at the commencement of the Constitution, it came to be associated with illegality in 1986. Included in it was Article 6A which provides

. (1) All persons who had come to Assam before 1st January, 1966 from the specified territories and had been "usually resident" elsewhere in such territory, were citizens of India from such date, unless they chose otherwise.

(2) A person who had come to Assam after the 1st January, 1996 but before 25th March, 1977 and had been "detected" in agreement with the provisions of the Foreigners Act, 1946 and Foreigners (Tribunals) Orders, 1964 substituting the words "satisficed" as amended by the Rules in 2007 shall meaning the same as the explanation above. Upon registration be assessed as a citizen of India after expiry of the time period of ten years from the date of detection as foreigner.

Recommendation

Taking into account the above analysis, the following recommendations are presented about policy and legal reform:

Repeal or amend the CAA to Eliminate Religious Classification Probably the most straightforward solution to the constitutional issues would be to repeal the CAA or at least amend it to remove religion as a basis for granting expedited citizenship. A humanitarian policy should have as its reference persecution and vulnerability and not religious identity. The Government could also consider extending provisions of this Act to other Muslim minorities including the Ahmadiyyas, the Rohingyas and the Sri Lankan Tamils. That persecution and discrimination traverses religious lines and that groups within a religion can be targeted for their language are ethnicity are well known facts. The extension in the provisions of the Citizenship (Amendment) Act, 2019 would reflect its character of being a beneficial legislation.

Introduce a Persecution Based Refugee and Asylum Framework India does not currently have a comprehensive refugee law. A uniform and non-discriminatory 84 asylum framework, consistent with international human rights standards would be more appropriate to respond to humanitarian concerns.

Ensure Understanding and Application of Taking dictionary requires that states make an agency "ensure that its implementation of the NRC process, at the national, State, or local level,

whether undertaken, is not arbitrary and is not discriminatory in terms of the application of the policy."

Include Safeguards against Statelessness: Future citizenship policies should include explicit collusion to prevent rendering individuals stateless in accordance with India's obligations emanating from the 1961 Convention on the Status of Persons without Nationality to which India has not formally been a party to.

Strengthen Constitutional Review Mechanisms: Parliament and denominational judicial organs should become more vigilant about scrutinising legislations which have chances of dangerering into major fundamental rights or change the secularism characteristic of our Constitution. The role of the judiciary in preserving the constitutional morality and Basic Structure are to be kept in the sight.

Conclusion

Understanding citizenship in India really becomes a huge topic if you establish its connection with constitutional basics, history and today's policy debates. In this first para, I basically thinking of the future of citizenship in the arena of Indian constitutional law. The Constitution of India establishes the foundation for citizenship beginning at Article 5 till Article 11, and that was born in a super tense period immediately after the partition of 1947 that resulted in huge migrations. People were crossing borders without proper paperwork and the Constituent Assembly had to figure out who was a citizen for millions of people. The writers of the Constitution believed that citizenship should be linked to concepts such as equality, justice and participation in a democracy. So not only is a citizen a legal topic of the State, but a citizen is also active in politics. That's why there is people voting, being involved in the governance processes, and people being secure under some basic rights such like Article 14 (equality before the law), Article 19 (freedoms), and Article 21 (life and liberty) through citizenship.

Within the context of contemporary discourse, such talk of the rules of citizenship is used by scholars to discuss the effect of these rules upon democratic functioning and social stability. For instance, the Citizenship Act of 1955 made a number of legal means by which one could become an Indian citizen: by birth, descent, registration, naturalization and incorporation of territory. Every route is provided with its own legal conditions and procedures. Birthright citizenship had the law originally to allow many to be citizens automatically, but later changes were made to add restrictions to be bound by the nationality of parent. Descent gives the children born abroad the possibilities of citizenship if parents are Indian. Registration and

naturalizations are legal methods for migrants and residents that can meet certain criteria.

Another important aspect of the angle of citizenship law is the role of Parliament. Article 11 of the Constitution grants power to legislate on citizenship to Parliament and this means that the Constitution provides the basic principles and Parliament can react to social realities. Over the years, Citizenship Act amendments were made on issues such as illegal migration, overseas citizenship and national security. The instances of debates involving the Citizenship Amendment Act (CAA) and the National Register of Citizens (NRC) show how the issue of Citizens.

Judicial interpretation also punches major in shaping the law. The Supreme Court has dealt with numerous cases concerning migration, nationality and equality. For example, the Ram Gandhi Dalmia Vs. Justice Tendulkar case explained the doctrine of reasonable classification Article 14. The Court stated it could only consider laws that treat groups differently if the classification made under the law has an apparent difference and a logical relationship.

All in all, discussions about citizenship are a balance of humanitarian, constitutional ideals and national security. As a democratic country, India needs to keep the laws of citizenship safeguarding individual rights while preserving social stability and order. That's why the intersection of how the laws of citizenship can manifest the original vision of the founding of the Constitution and address contemporary issues of governance is continued studied by scholars, courts and policymakers.

Citizenship in India has to be understood in light of the constitutional principles, past history and contemporary policy debate. In this para we'll be discussing about what is the future of citizenship in the sphere of Indian constitutional law. The Constitution of India provides for the foundation for citizenship in Articles 5 through 11. I think such provisions were the result of a difficult historical period because of the partition of India in 1947, it resulted in massive migration. Many people crossed borders and there was absolutely no sure paperwork, it had to be something for this Constituent Assembly to figure out how to define citizenship for millions. The framers they were basically saying that citizenship should reflect ideas such as equality, justice and democratic participation. It's not merely as a matter of legal status; a citizen needs to actually be an active member of the political community.

That means that citizenship brings you the right to vote, participate in government, as well as freedom under the fundamental rights such as article 14 (equal treatment of all before the law), article 19 (freedoms) and article 21 (protection of his life and personal liberty). In more modern discussions of constitutions, we may see scholars digging about how citizenship policies affect the idea of democracy and social stability.

For instance, under the Citizenship Act of 1955 a number of methods for obtaining Indian citizenship were introduced. These are citizenship by birth, by descent, by registration, by naturalization, and by incorporation of territory. Each of those routes is accompanied with its own legal prerequisites and procedures. Citizenship by birth originally allowed a lot of people born in India to get citizenship automatically, but eventually some changes were brought in which included conditions based on the nationality of the parents.

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