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CHANGING CONTOURS OF CITIZENSHIP RIGHTS IN INDIA- Muskan Chandhok¹**Introduction**

Everybody is entitled to a specific set of fundamental liberties, including the capacity to work, vote, and return home. The person must also fulfil their civic responsibilities. It serves as an example of how the right to citizenship is subject to reasonable restrictions from the government and is not unchangeable. Every country controls the entry and stay of newcomers through its own immigration laws. Immigration laws also restrict who is allowed to work in government. The country makes a distinction between "citizenship" and "nationality" because of this. But it's also been noted that certain countries implement strict immigration laws and bar foreigners on the grounds of discrimination. As a result, international agreements and other legal frameworks have the authority to supervise these immigration regulations. A person can join a nation in a number of ways. A person can automatically acquire citizenship through special citizenship, marriage, or birth. Strict visa regulations are in place now, though, to stop "fake weddings," which happen when two people marry each other to get money or other benefits.

States also grant special citizenship. For example, Canada awarded special citizenship to Pakistani teenage activist Malala Yousafzai. Ms. Malala is the sixth person to be granted special Canadian citizenship, following Swedish ambassador Raoul Wallenberg, Nobel Peace Prize winner Aung San Suu Kyi, Tibetan spiritual leader Dalai Lama, British business magnate Aga Khan, and South African anti-apartheid icon Nelson Mandela. The residents of the province are considered full members.

India, a diverse and populous nation, has a complex set of laws governing citizenship. These laws, enshrined in the Citizenship Act of 1955 and subsequent amendments, dictate who is

¹ Student at Amity University

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considered a citizen of India and the various pathways through which one can acquire citizenship. In recent years, amendments to these laws, particularly the Citizenship Amendment Act (CAA) of 2019, have sparked intense debate and controversy.

The Constitution of India, 1950, specifically addresses citizenship-related issues, a nod to their importance, in its phrasing. Important provisions relating to basic rights are included in the section that follows the six provisions in section II, "Citizenship," of the Indian Constitution.

A Comprehensive Study on Citizenship

From 1946 to 1949, when the Constitution was being drafted, the concept of citizenship was the subject of much discussion and debate. Various preparation groups worked on different versions for two years before settling on the final language for the portions addressing citizenship. Citizenship rights are not regarded as "Fundamental Rights" in India, despite the fact that they are nonetheless provided and recognized by law. As we will see, this affects the priority accorded to them in respect to fundamental rights like freedom of speech, assembly, and movement. Citizenship and nationality are often used interchangeably in casual speech in India.² Words like "nationality" and "nationalism" have always been contentious, but their precise meanings have become murkier in recent years. Some people have been accused of holding "anti-national" beliefs, despite the fact that their membership seems to be acknowledged. This is going to be our primary focus in the latter section of our research. Nevertheless, based on the way Indian courts have interpreted the terms, citizenship and nation are substantially different in the context of Indian citizenship law. Citizenship is a legal status that determines civil and political rights within the framework of domestic law, according to a decision made by the Indian Supreme Court in the 1960s. However, this ruling only applies to natural people. In contrast, whether a person is a natural or juristic person, their civil rights under international law are determined by their country. During the British Raj, officials were able to "see" and learn about their subjects according to stated categories with the introduction of the first census results in 1871. During this time, the colonized peoples also had to figure out how to adopt new identities. While the precise and definitive figures from the census revealed a lot, the "classification" and "counting" procedures served to shed light on identities that were more malleable and less fixed. Academics have begun to

²Eisgruber, Christopher L. "Birthright citizenship and the constitution." NYUL Rev. 72 (1997): 54

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view the categories of "religion," "caste," and even "age" as politically charged and open to misinterpretation and deceit in census surveys and calculations. With these caveats in mind, we examine how religious affiliation contributes to the fragmentation of Indian identity. Out of India's overall population of 1.2 billion, 966 million are Hindu, constituting roughly 80% of the nation. Four varnas, or religious groups, plus one unnamed category for the former Untouchables make up Hinduism; within each varna, there are over three thousand sub-categories. illnesses (jatis). With 172 million adherents, or 14.23% of the total population, Muslims are India's largest religious minority. As a result, Muslims in India are the third biggest in the world. It is possible to classify Muslims in India according to their sect: Sunni, Shia, Bohra, Ismaili, or Ahmadiyya.³

The Citizenship Amendment Act (CAA) and the proposed implementation of the National Register of Citizens (NRC) have ignited intense debates and polarized opinions across India. This contentious duo of legislative and administrative measures has stirred a storm of controversy, raising fundamental questions about identity, inclusivity, and the very essence of Indian democracy.

The Citizenship Amendment Act, passed in December 2019, amended the Citizenship Act of 1955 to provide a fast-track pathway to Indian citizenship for undocumented migrants belonging to six religious communities - Hindu, Sikh, Buddhist, Jain, Parsi, and Christian - from Afghanistan, Bangladesh, and Pakistan. Notably, it excluded Muslims, stoking allegations of religious discrimination and violating the secular principles enshrined in the Indian Constitution. Proponents argue that the CAA aims to protect persecuted minorities from neighboring countries, while critics view it as a divisive and exclusionary measure that undermines India's secular fabric.

Complementing the CAA is the proposed National Register of Citizens (NRC), a register aimed at identifying undocumented migrants residing in India. The NRC, first implemented in the state of Assam, requires individuals to provide documentary evidence of their citizenship status, raising concerns about the exclusion of marginalized communities, particularly the poor and those lacking proper documentation. The prospect of a nationwide NRC has triggered fears of widespread disenfranchisement and statelessness, with critics warning of potential human rights violations and social unrest.

³Miller, David. "Bounded citizenship." *Cosmopolitan citizenship* (1999): 60-80

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Together, the CAA and NRC have sparked nationwide protests, with millions taking to the streets to express their discontent and demand the repeal of these measures. Civil society activists, students, and marginalized communities have mobilized against what they perceive as discriminatory and authoritarian policies, echoing the spirit of India's freedom struggle and constitutional values. The protests have become a symbol of resistance, galvanizing support for pluralism, inclusivity, and the protection of constitutional rights.

In response to the uproar, the government has sought to allay fears and justify its actions, emphasizing the need to address security concerns and regulate illegal immigration. However, the lack of clarity, transparency, and consultation in the formulation and implementation of these measures has fueled skepticism and mistrust among the populace. Moreover, the government's heavy-handed approach in quelling dissent, including arrests of activists and restrictions on freedom of expression, has raised alarms about the erosion of democratic norms and civil liberties.

The CAA-NRC saga encapsulates broader fault lines in Indian society, including issues of identity, citizenship, and communalism. It reflects a struggle between competing visions of India - one rooted in pluralism, secularism, and social justice, and the other characterized by majoritarianism, exclusion, and religious nationalism. At its core, the debate over the CAA and NRC is not merely about legal provisions or administrative procedures but about the soul of India and the principles upon which its democracy stands.

As the discourse continues to unfold, it is imperative for all stakeholders to engage in constructive dialogue and uphold the principles of democracy, rule of law, and human rights. The resolution of the CAA-NRC conundrum will shape India's trajectory for years to come, determining whether it remains a beacon of pluralism and democracy or succumbs to the forces of division and intolerance. In this critical juncture, the collective conscience of the nation must guide its path forward, ensuring that justice, equality, and fraternity prevail.

Conclusion

In conclusion, India's citizenship laws are intricate and multifaceted, reflecting the country's rich diversity and complex historical and social dynamics. While these laws seek to define and regulate citizenship, recent amendments such as the CAA have raised questions about inclusivity, equality, and the protection of minority rights, underscoring the ongoing tension

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between national identity, secularism, and social justice in India. As debates surrounding citizenship continue to evolve, it remains imperative for policymakers and citizens alike to engage in constructive dialogue to uphold the principles of democracy, equality, and justice for all. An individual and a state have a connection known as citizenship in which the person is obligated to the state and consequently entitled to its security. Citizenship suggests a position of independence with related duties. The goal of this article was to comprehend the significance of patriotism. Every individual should uphold the basic obligations in order to foster a feeling of societal duty, in my opinion. The rights of every person won't be restricted if all officials of each state service their various countries without engaging in wrongdoing. A government that violates liberties is the nation's misfortune. Every citizen must comprehend their rights and responsibilities under the Indian Constitution in order for the government to enact equitable justice for all residents. "Young people with the courage to make changes will awaken, and when you awaken, India will awaken and the bonds of slavery will be broken." India's citizenship debate has been impacted by a number of variables, similar to many other countries, especially in South and South East Asia.

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