



Citizenship

Citizenship as a concept has three major constructs, first the legal premise established by civil, political and social rights, the second being active citizen engagement with politics and policy and lastly membership in a political community as a source of identity. The existence of sovereign territorial integrity however is the framework on which the notion of citizenship rests. Citizenship is different from nationality. Nationality is a broader concept. It is acquired by birth or adoption, marriage, or descent. On the other hand, citizenship is a specific legal relationship between a state and a person, bestowing certain rights and responsibilities. It does not have to accompany nationality (Gilbertson 2006).

The concept of citizenship is traced back to the Roman Republic. During the Renaissance, citizenship grew from a local into a statewide institution, post the emergence of a modern state. At the turn of the 20th century, emergence of civil, political and social rights expanded citizenship. Citizenship is recognized either as birthright/ jus soli (Latin for "right of the soil") citizenship or as jus sanguinis (Latin for "right of blood") citizenship. Birthright Citizenship is offered by immigrant nations such as Canada, Mexico USA and most of Central and South America, conferring nationality at birth. In Europe, Asia and Africa, citizenship is jus sanguinis granted to children born to a national of that country and is limited to ethnics and their descendants (Leydet 2017).

Indian Citizenship

Citizenship of India is dealt by the Constitution of India under Articles 5-11 of Part II. Article 5 deal with Citizenship awarded at the time of commencement of the Constitution of India.

Article 6 deal with citizenship rights of persons who have migrated to India from Pakistan. Such migrants are deemed to be citizens of India at the commencement of the Constitution under the following conditions.

- i)
 - a) If he or either of his parents or any of his grandparents was born in India
 - b) (i) in the case where such person has so migrated before the 19th of July, 1948, he has been ordinarily resident in the territory of India since the date of his migration, or

(ii) If a person has migrated on or after the 19th of July, 1948, he has been registered as a citizen of India by way of an application addressed to the Government of the Dominion of India before the commencement of the Constitution. The applicant however must be resident in the territory of India for at least six months immediately preceding the date of his application. Under Article 7 if a citizen of India 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 by registering as a citizen of India, after residing for at least six months immediately before the date of applying for registration, by a duly appointed Government of India authority. Article 8 allows Indian nationals (whose parents or any grandparents were born in India) residing abroad to be conferred Indian citizenship, if they have been registered by the diplomatic or consular representatives of India in the country where they are residing. Article 10 guarantees continuance of the rights of citizenship. Every person who is or is deemed to be a citizen of India under the provisions of the Part II of the Indian Constitution, subject to the provisions of any law that may be made by Parliament, will continue to be such citizen. Article 11 confers the Parliament the right to regulate citizenship by law. The Parliament possesses authority to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship (Government of India 2019).

Citizenship Laws around the world

Country	Law	Birth	Descent	Naturalisation	Loss
Bangladesh	Bangladesh Citizenship Order dated 1972	Restricted to persons born before March 26, 1971	persons born after March 26, 1971. Child born of a Bangladeshi father, grandfather mother regardless of the child's country of birth.	apply for citizenship upon high value investment in an industrial or commercial project of Bangladesh or financial institution. Permanent Residence may be made upon investment of \$75,000 .	Renunciation or removal of investment
Brazil	Law #818 of September 18, 1949	Birthright Citizenship	Child born outside of the territory of Brazil, at least one of whose parents is a citizen of Brazil	Person has lived within the country for at least 5 years	Renunciation

France	French Nationality Code.	Child born within the territory of France, regardless of the nationality of the parents		Resident of France for 5 years, resident of France for two years and a degree from a French University or has rendered important service to France. Exceptional service to France or served in a combat unit of the French Army, spouse or minor child of a person acquiring French citizenship are eligible without residency conditions.	Final Authority is with French Government
India	Citizenship Act of 1955	Restricted to persons born before January 26, 1950	Child born of an Indian father, mother regardless of country of birth. Children born abroad must be registered at an Indian Consulate.	Person has resided in the country for the last five years and has renounced previous citizenship.	Renunciation, Naturalized citizenship was acquired through false statements Naturalized citizen commits acts against the state of India before the end of a five-year grace period.
Israel	Citizenship Law of 1952	Any Jew or former citizen of Palestine who immigrated to Israel before July 14, 1952, was granted citizenship after declaring a desire to reside permanently in Israel and fulfillment of certain conditions respectively. Being born in Israel to a citizen of Israel.	Child born on or after July 14, 1952, at least one of whose parents is a citizen of Israel, regardless of the child's country of birth. A person born outside Israel while a parent was an Israeli citizen by Return, Residence, or Naturalization.	Person has resided in Israel a cumulative period of three years, intends to reside permanently in Israel, has some knowledge of Hebrew, and has renounced previous citizenship.	Renunciation
Saudi Arabia	Saudi Nationality Law	Not Automatic	Child of a Saudi father, born in wedlock, Child of a Saudi father and foreign mother, born out of wedlock, will	Saudi Arabia does not automatically grant rights to apply for naturalization. Foreigners in fields such as medicine and technology... foreign citizens who have	Renunciation

			<p>obtain the citizenship of the mother. Child born in Saudi Arabia, out of wedlock, to a Saudi mother and unknown father. Child born out of wedlock to a Saudi mother, born outside the country, no citizenship by descent.</p>	<p>held permanent residency in the kingdom for at least five years.</p>	
United Kingdom	<p>British Nationality Act of 1984.</p>	<p>Child born in the United Kingdom, at least one of whose parents is a British citizen or has settled in the United Kingdom. Child born in the United Kingdom whose parents are unknown.</p>	<p>Child born overseas to a British citizen if at least one of his parents is a British citizen other than by descent. Child born overseas to a British citizen in service to the Crown. Child born outside of the United Kingdom with certain family connections to the United Kingdom.</p>	<p>Person has been a resident of the United Kingdom for five years. Persons married to British citizens are required to reside in the United Kingdom for the three years preceding application, with certain restrictions on periods spent outside the United Kingdom. Person is of good character and has sufficient knowledge of English, Welsh, or Scottish Gaelic. Person intends on remaining in the United Kingdom or entering Crown service.</p>	<p>renunciation</p>
USA	<p>Title 8 of U.S. Code 1401 - 1409, dated 1986.</p>	<p>Birthright Citizenship</p>	<p>Child born abroad, both of whose parents are citizens of the United States, and one of whom resided in the United States before the birth of the child. Child born abroad, one of whose parents is a citizen of the United States who resided in the United States for at least five years</p>	<p>Person must be 18 years old, have resided in the United States for at least five years lawfully, speak, read, and write English, good moral character, familiar with the history and culture of the country, attached to the principles of the United States Constitution, renounced former citizenship.</p>	

			before the birth of the child.		
Zimbabwe	Constitution of Zimbabwe	Not accorded at birth within the territory	Child whose father is a citizen of Zimbabwe, Child, born out of wedlock, whose mother is a citizen of Zimbabwe, regardless of the child's country of birth.	Persons possessing skills required but not available in the country, Aged parents and close dependents or relatives of resident citizens. Those willing to invest capital in Zimbabwe. Person must have dwelled in the country for at least five years.	Renunciation or absence for seven year.

Citizenship (Amendment) Act 2019

The CAA, 2019 defines illegal immigrants as foreigners who enter India without a valid passport or travel documents, or stay beyond the permitted time. Illegal immigrants can be deported or jailed. The Act allows Hindu, Sikh, Parsi, Buddhist, Jain and Christian immigrants from Pakistan, Afghanistan and Bangladesh, who have lived in India without documentation to receive fast track Indian citizenship in six years. Thereby, protecting them for the proceedings of illegal immigration. Previously the Citizenship Act, 1955 required the applicant to have resided in India for 11 of the previous 14 years. The Act states that the illegal migrant should have entered into India on or before 31st of December, 2014.

The Act excludes Muslim sects like Shias and Ahmediyyas who also face persecution in Pakistan. Tribal areas of Assam, Meghalaya, Mizoram and Tripura are excluded from the ambit of the act. Arunachal Pradesh, Nagaland and Mizoram along with almost whole of Meghalaya and parts of Assam and Tripura would stay out of the purview of the Citizenship (Amendment) Bill (Ministry of Law and Justice 2019).

The Census

The decennial census derives its legitimacy from Census Act enacted in 1948. This exercise has been in practice for 130 years after its inception in the year 1872. The census provides statistical information on different aspects regarding India and the people of India. The census give inputs on demography, economic activity, literacy and education, housing and household amenities, urbanisation, fertility and mortality, scheduled castes and scheduled tribes, language, religion,

migration, disability besides others. The Registrar General and ex-Officio Census Commissioner under Ministry of Home Affairs is tasked with generating data on population and other vital statistics¹.

National Population Register

The NPR is a database of usual residents² of the country. It derives legitimacy under provisions of the Citizenship Act, 1955 and the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003. It seeks to register every citizen of India. The rules of 2003 mention Population Register as a register containing details of persons usually residing in a village or rural area or town or ward or demarcated area (demarcated by the Registrar General of Citizen Registration) within a ward in a town or urban area.

The demographic details to be furnished by all usual residents include name, relationship to head of household, father's name, mother's name, spouse's name (if married), sex, date of birth, marital status, place of birth, nationality (as declared), present address of usual residence, duration of stay at present address, permanent residential address, occupation, educational qualification. The exercise will be undertaken by the Registrar General and ex-Officio Census Commissioner to create a comprehensive database of the identity of all usual residents (Ministry of Home Affairs 2003).

The Census contains all the questions mentioned in the NPR questionnaire as well as questions on disability, caste, religion and fertility

National Register of Citizen

The National Register of Citizens aims to record citizens, their houses and holdings. The NRC stems from Citizenship Act, 1955 and The Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003. National Register of Indian Citizens under the 2003 rules is to document Indian citizens living outside and inside in the country³. National Register of India Citizens is a compilation of District Register of India Citizens, sub-district Register of

¹ [https://www.indiatoday.in/india/story/census-npr-assam-difference-between-census-and-npr-assam-nrc-
caa-1631254-2019-12-24](https://www.indiatoday.in/india/story/census-npr-assam-difference-between-census-and-npr-assam-nrc-caa-1631254-2019-12-24)

²A usual resident is defined, for the purposes of the NPR, as a person who has resided in a local area for the past six months or more, or a person who intends to reside in that area for the next six months.

³[https://www.indiatoday.in/india/story/what-is-nrc-all-you-need-to-know-about-national-register-of-
citizens-1629195-2019-12-18](https://www.indiatoday.in/india/story/what-is-nrc-all-you-need-to-know-about-national-register-of-citizens-1629195-2019-12-18)

India Citizens and local register of Indian citizens. Registrar General and Census Commissioner India is the nodal authority of NRC. It will require people to produce documents of ancestry to be enlisted as Indian citizens (Ministry of Home Affairs 2003). Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 mentions NPR being used to populate NRC. The rules do not require approval under the parliament and is treated as subordinate legislation⁴. The process of populating NRIC is enlisted in Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003⁵.

Foreign Nationals

Foreign National in India are under the purview of the following acts.

- **The Passport (Entry in India) Act, 1920**

The Act mandates that authorizations must be made on valid travel documents/passports of foreign nationals for allowing entry into the country. Foreigners coming to India are required to get visa from Indian Missions/Posts.

- **The Foreigners Act, 1946**

It regulates the entry, stay and departure of foreigners into and from India,

- **The Registration of Foreigners Act, 1939 and the Registration of Foreigners Rules, 1992**

It mandates certain categories of foreigners whose intended stay in India is more than the specified period, or as provided in their visa authorization, to get themselves registered with the Registration officer⁶.

⁴ 'subordinate legislation' refers to a legislative instrument made by an entity under a power delegated to the entity by the Parliament.

⁵ [https://www.indiatoday.in/india/story/census-npr-assam-difference-between-census-and-npr-assam-nrc-
caa-1631254-2019-12-24](https://www.indiatoday.in/india/story/census-npr-assam-difference-between-census-and-npr-assam-nrc-caa-1631254-2019-12-24)

⁶<https://boi.gov.in/sites/default/files/Regulations.pdf>

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