

## **Article 10**

### **Continuance of the rights of citizenship**

Came into effect on 26 January 1950

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.

In simple terms, anyone who is considered a citizen of India according to the rules mentioned in this part of the Constitution will remain an Indian citizen. This is unless Parliament makes a new law that changes these rules.

### **Retention of Citizenship:**

Article 10 ensures that individuals who are already recognized as citizens of India under any of the provisions outlined in Part II of the Constitution will continue to retain their Indian citizenship rights.

### **Subject to Parliamentary Law:**

However, the continuation of citizenship rights is subject to any law that may be enacted by the Parliament of India. This means that Parliament has the authority to pass laws relating to citizenship, and individuals' citizenship rights may be affected by such legislation.

### **Protection of Existing Citizens:**

The inclusion of Article 10 aims to provide protection and assurance to individuals who were already recognized as Indian citizens at the time of the Constitution's adoption. It ensures that they will not lose their citizenship rights solely due to changes in the legal framework unless Parliament enacts new laws affecting citizenship.

### **Historical Context:**

Article 10 reflects the framers' intent to safeguard the citizenship status of individuals who were part of the Indian nation-state at the time of independence and the adoption of the Constitution. It upholds the principle of continuity and stability in citizenship rights, even as the legal framework may evolve over time.

### **Parliamentary Authority:**

By specifying that the continuation of citizenship rights is subject to parliamentary legislation, Article 10 underscores the supremacy of Parliament in matters relating to citizenship. It allows Parliament to enact laws that may modify or regulate the acquisition, retention, or loss of Indian citizenship based on evolving needs and circumstances.

### **Administrative Implementation:**

The provisions of Article 10 are implemented through administrative mechanisms established by the Indian government to maintain records of citizenship status and ensure compliance with relevant laws and regulations pertaining to citizenship matters.

## Need:

- **Protection of Citizenship Rights:**

Article 10 ensures the continuity and stability of citizenship rights for individuals who were recognized as citizens of India at the time of the Constitution's adoption. It provides assurance to existing citizens that their citizenship status will not be arbitrarily revoked or altered without due process.

- **Preservation of Historical Identity:**

The inclusion of Article 10 acknowledges the historical context of India's independence and the diverse population of the country. It recognizes the contribution and significance of individuals who were part of the Indian nation-state at the time of independence and seeks to preserve their historical identity as Indian citizens.

- **Balance of Power:**

Article 10 strikes a balance between the protection of citizenship rights and the authority of Parliament to enact laws relating to citizenship. While ensuring the continuity of citizenship rights, it also recognizes Parliament's legislative authority to modify citizenship laws based on changing circumstances or national interests.

## Scenario where it can be used:

A government proposes a new law that would revoke the citizenship rights of individuals who were born in India and recognized as citizens at the time of the Constitution's adoption in 1950. The proposed law aims to exclude these individuals from Indian citizenship based on their religious or ethnic background.

## Court Usage of Article 10:

- **Legal Challenge:**

Concerned citizens and organizations challenge the proposed law in court, arguing that it violates their constitutional rights.

- **Invoking Article 10:**

In their arguments, the petitioners rely on Article 10 of the Indian Constitution. They assert that individuals recognized as citizens of India under the Constitution's original provisions should continue to enjoy citizenship rights, regardless of any subsequent changes to the law.

- **Legal Scrutiny:**

The court examines whether the proposed law is consistent with Article 10, which guarantees the continuation of citizenship rights for individuals recognized as citizens at the time of the Constitution's adoption.

- **Judicial Decision:**

Based on its review, the court may rule that the proposed law contradicts Article 10 and is therefore unconstitutional. It may declare the law invalid, ensuring that the citizenship rights of individuals recognized as citizens in 1950 remain protected.