

Day-3

10/01/2025

Q) Trace the evolution of the concept of Citizenship in India from the Constitution's inception to the enactment of the CAA, 2019. How has this evolution reflected the changing dynamics of identity, security and inclusivity in Indian polity? (38 M)

Ans) Citizenship is defined as a legal and political relationship between an individual and a foreign state, where it grant rights and impose duties on its citizens. The concept of Citizenship has evolved to a great degree since the time of adoption of Constitution till today. It has shifted from the policy of inclusion to the policy of exclusion based on the changing needs of the society.

Phases of evolution:

Before independence, Indians were treated as British subjects with no citizenship rights. After independence and enactment of Constitution, Citizenship Act was passed by the parliament in 1955. With the inception of this act and its further amendments, evolution of Citizenship started with a major shift from inclusion towards exclusion.

↳ In the original act of 1955, Citizenship was

Given to everyone on the principle of Jus Soli (everyone born in India).

- ↳ To control the large influx of illegal migrants from neighbouring countries, it became necessary to tighten the Citizenship laws.
- ↳ Thus, 1986 amendment was passed to give effect to the principle of Jus Sanguinis, which means Citizenship by right of blood.
- ↳ Assam Accord of 1985 was signed to address the influx of migrants from Bangladesh by setting a cut-off date for citizenship.
- ↳ Section 6A was added in the Citizenship Act to codify the Assam Accord of 1985.
- ↳ In order to target undocumented migrants, NRC was mandated to be created by the Citizenship Amendment Act 2003.
- ↳ Then the OCI Scheme was introduced in 2003 amendment to fulfill the demands of ~~resident~~ Indian dual citizenship by the Indian Diaspora.
- ↳ In 2005, this OCI process was simplified to attract more Indian diaspora.
- ↳ Then in 2015, OCI Card Scheme was merged with PIO (Persons of Indian origin) Card Scheme and introduced a new scheme called "Overseas Citizen of India Cardholder".

- ↳ Latest amendment in 2019 was enacted in order to fast-track the Citizenship for certain minorities (Hindus, Sikhs, Buddhists, Jains, Parsis & Christians) from Afghanistan, Bangladesh and Pakistan.
- ↳ It has been controversial since the time of its inception as it violates the principles of secularism, equality and justice. This is the first time that religion is used as a criterion for citizenship in India.

This evolution of citizenship in India is time tested and seen a significant shift from jus soli principle to jus sanguine principle. This shift is mainly based on the to tackle the problem of influx of illegal migrants.

Significance of this evolution:

With change in time and social dynamics, Citizenship act in India also underwent various changes which reflects the changing dynamics of identity, security and inclusivity in Indian polity.

- ↳ As India gained independence, the thrill of new identity for its population resulted in the enactment of Citizenship act of 1955.
- ↳ From being a subject during colonial rule

to a legal citizen of a foreign state is indeed a journey to remember.

- ↳ This not only provides an identity to its people but also provides them rights and duties. Thus, citizens are full members of the Indian state and owe allegiance to it.
- ↳ This way India tried to dismantle colonial-era divisions to build a cohesive and democratic society.
- ↳ However, with time the ethnic and religious divisions are intensified in the country. Problem
- ↳ Problem of illegal migration resulted into cultural and demographic changes also raised concern over identity politics.
- ↳ To resolve these issues we shifted towards the principle of jus sanguine.
- ↳ This issue of identity politics results into various challenges like identification of fake documents, security of marginalized groups who lacked proper documents.
- ↳ Originally created in 1951, NRC is used to update the citizens' register to detect illegal migrants.
- ↳ The Assam Accord and 1986 amendment to the ~~act~~ were enacted to resolve these issues.

- ↳ Though, we are moving towards the exclusionary policy to arrest the issue of illegal immigration, the policy of inclusivity should not be ignored.
- ↳ India's initial citizenship framework was rooted in inclusivity.
- ↳ Citizenship by registration allow people married to Indian citizens, acquire citizenship, thus promoting inclusivity.
- ↳ However, 2019 amendment of citizenship faced backlash because of its exclusionary approach. Muslims and other persecuted groups like Rohingyas & Sri Lankan Tamils were excluded.

Thus, we can see that the changing dynamics of today's polity is also reflected in the evolution of the concept of citizenship in India. The policies ~~must~~ Alongwith protecting the culture and demography of the state, the policies must also reflect Constitutional morality, inclusivity, security and human dignity. This way democratic ethos and social harmony both can be balanced.