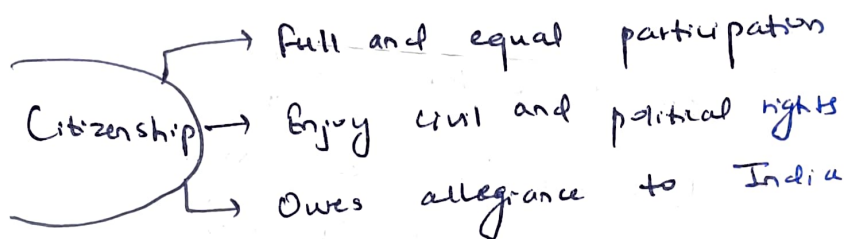


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Q- Trace the evolution of the concept of citizenship in India from the Constitution's inception to the enactment of the CAA, 2019. How has this evolution reflected the changing dynamics of identity, security and inclusivity in Indian polity?

Ans. The evolution of a concept of citizenship in India reflects a dynamic interplay of identity, security and inclusivity rooted in the ideals of the constitution. The framework for citizenship are provided under Articles 5-11. It establishes a secular and inclusive approach based on principles of equality, liberty, justice and fraternity.



Evolution —

① ~~1947~~

① Inception of constitution —

- ↳ Abolished colonial hierarchy and subjugation
- ↳ Inclusive and liberal approach

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② Citizenship Act, 1955 —

- ↳ Secular and inclusive approach
- ↳ concept of "jus soli"

③ Assam Accord and Citizenship Amendment Act, 1986

- ↳ Introduced restrictive and exclusionary principles
- ↳ Shifted from jus soli to "jus sanguine".
- ↳ Introduced concept of subject citizenship
- ↳ Fuelled identity politics and created narrative of US Vs THEM
- ④ ↳ Also created dual identity and hierarchy in citizenship which is against the concept of equality

④ Citizenship Amendment Act, 2003 —

- ↳ Introduced concept of illegal migrants
- ↳ Moved from jus soli to ethnicity.
- ↳ Quasi-citizenship to Overseas Citizens of India.
- ↳ Used our diaspora to leverage economic integration with the world but at the same time made it more exclusive

⑤ Citizenship Amendment Act, 2019

- ↳ Challenged secularism of India as provides citizenship based on religion

- ↳ Against basic structure doctrine
- ↳ Selective inclusion of certain groups is against article 14 i.e., right to equality.
- ↳ Against the principle of non-refoulement.

Dynamics of Identity, Security & Inclusivity -

① From inclusive to exclusive —

From inclusive and secular citizenship the focus has shifted towards religious and ethnic factor which challenges the pluralistic ethos.

② Identity Politics —

Assam Accord fuelled identity politics and Assamese identity came in direct confrontation with Bengali identity.

③ Increased Polarisation —

Rising communal polarisation hampers the process of nation building through which India is going since independence.

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④ Balancing security —

It is importance to balance security with inclusivity otherwise it may lead to marginalisation of vulnerable groups.

⑤ Against federal structure —

As per many states the new provisions ~~are~~ infringe upon the federal structure. It is not in align with the principle of cooperative federalism.

⑥ Illegal migrants —

Addressing the issue of illegal migrants is necessary but creation of detention camps will not solve the issue. It will create a parallel structure like jails and there are already 66% undertrials are in jails.

⑦ Religious nationalism —

Granting citizenship based on religion may lead to religious nationalism which may ultimately take the form of chauvinistic nationalism.

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For Practice Purpose Only

उम्मीदवारों को इस हाशिए में नहीं लिखना चाहिए।
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Candidate must adhere to the word limit specified in the question.
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⑧ Violation of right to privacy —

National Population Register violates right to privacy as it collects which can be used arbitrarily and there are no safeguards.

⑨ Statelessness —

Non-availability of documents can render a citizen stateless. National Register of Citizens aimed to detect illegal immigrants but raise concerns over documentation gaps and exclusion.

WAY FORWARD —

① As per Romila Thapar in her book "On Citizenship" India needs to uphold secularism and constitutional morality.

② A non-discriminatory framework for addressing refugee immigrants should be developed guided by international principle of non-refoulment.

③ N Ram suggests that any citizenship law must align with Preamble's core values i.e., justice liberty, equality and fraternity.

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④ Establish an independent legal body like
Citizenship Rights Commission under retired
~~Chief~~ Chief Justice of India.

⑤ Focus on a process that promotes civic
nationalism

⑥ Strengthening democratic institutions including
judiciary to ensure that citizens laws
are subjected to rigorous constitutional
scrutiny so that judiciary decisively upholds
the principle of secularism, equality and
fraternity.

⑦ We should promote such approach which
leads to interfaith dialogue and which
ultimately leads to inter-cultural dialogue

India's journey from inclusive to exclusive
citizenship model raises concerns about its
democratic identity. Moving forward, policies
must reflect constitutional morality,
prioritizing inclusivity, justice and human
dignity.