

CHAPTER-14

CITIZEN AND CITIZENSHIP



After studying this chapter you learn :

- Know the meaning of citizen and citizenship.
- Differentiable between citizen and citizenship.
- Differentiable between citizen and alien.
- Know the methods of acquiring citizenship and reasons for losing citizenship.

Meaning

The meaning of citizenship varies from time to time. In ancient Greece the word citizenship had a narrow meaning. Then, it referred to those persons who took direct and active part in the administration of the state. In ancient Greece, citizenship was a privilege conferred upon selected few. Women, manual workers and slaves were denied all the rights of citizenship.

But in modern times the term citizenship conveys broader meaning. The term citizen, in modern times, refers to a person who is a fulfledged member of the state, enjoying all rights- civil, political and economic and owing allegiance to the state to which he belongs.

Vattel defines a modern citizen as a member of a civil society, bound to it by certain duties, subjected to its authority and an equal recipient of its advantages. Accordingly a citizen is a member of a state who, owes allegiance to it and enjoys the protection and benefits granted by it. Thus a citizen is a permanent member of the state, who possesses civil and political rights and owes allegiance to the state to which he belongs.

There is a difference between subjects and citizens. Before 1947 we were the subjects of the British. After independence we became the citizens of India. Generally people who belong to and live in a state are its citizens. To be a citizen proper one has to fulfil certain conditions which are legal. There is a relationship between the state

and the citizens. The state provides protection and certain facilities to its citizens while the citizens in turn maintain the state, obey the laws and owe their allegiance to the State. A citizen is one who is a member of a state and enjoys certain benefits in his state. They are:

- He enjoys security and gets protection from the State.
- He enjoys a peaceful life as the state ensures law and order.
- In modern times under social welfare schemes he enjoys benefits like education, health, insurance, settlement, employment and such others provided by the state.
- He enjoys both the civil and political rights.
- He enjoys the fundamental rights guaranteed by the State.
- He can participate in the Political processes like voting and contesting in the elections.
- He is eligible to occupy certain offices such as those of the President of India, Vice-President, Judge of Supreme court, High Courts and such others.
- He is eligible for recruitment to all public services.

Difference between a citizen and an alien

A citizen is a member of the state. He owes allegiance to it. He is protected by the state and enjoys civil and political rights. An alien, on the other hand, is one who has come to reside temporarily in a state. He owes allegiances to the state of his origin. He is a foreigner in the state of temporary residence but a citizen of the state from which he has come.

The chief differences between the citizen and alien are the following:

1. Citizens are permanent residents of their state. Aliens are temporary residents.
2. Citizens enjoy political rights, aliens are not given political rights like right to vote, right to contest election, right to hold public offices, etc.

3. Citizens owe allegiance to their state. They are bound to fulfil their obligations to the state. An alien is a foreigner who is a citizen of another state. He should respect and follow the laws of the state in which he is temporarily living.
4. A Citizen cannot be driven out of his state. An alien can be asked to leave the country of temporary residence for various reasons such as illegal activities, expiry of visa period, etc..

Methods of acquiring citizenship

There are two ways of acquiring citizenship namely- by birth and by naturalization.

1. By Birth: The most important mode of acquiring citizenship is by birth. The great bulk of citizens in every state are citizens by birth. Birth within the territory entitles a person to citizenship.

2. Naturalisation: Citizenship can also be acquired through naturalization. According to this method, an alien can become a citizen after fulfilling certain conditions. Though these conditions vary from state to state, some of the general principles which are observed may be summed up as follows:

- a) **Domicile or Residence :** Long residence in a foreign state entitles a person to acquire the citizenship of that state. In England and USA it is five years. In France it is ten years.
- b) **Marriage :** A woman acquires the citizenship of her husband's country when she marries a foreigner. But the husband does not get the citizenship of his wife's country. The condition of marriage in Japan and some other countries are quite different.
- c) **Foreign service :** A person appointed in the service of a foreign state may be granted the citizenship of that country. Many countries do not permit the foreigners to serve in the public service for suspicion of their loyalty.
- d) **Application :** In all states an alien may be granted citizenship if he applies for it and satisfies certain conditions. Usually, all states demand the applicant to be solvent and be a person of good moral character.

e) Property : A person who purchases property in a foreign country, desires to become a citizen of that country may be granted the citizenship. In Mexico there is such provision. But in recent times the foreign countries may not provide opportunities to foreigners to buy landed property.

Methods of acquiring citizenship in India

Parliament is the sole authority to legislate the laws on citizenship in our country. State legislatures have no powers in this matter. The Citizenship Act was enacted by the Parliament of India in 1955 and it elaborates the provisions for the acquisition and termination of citizenship. The Act was amended in 1986. This amendment made the acquisition of Indian citizenship more stringent. The Citizenship Act 1955 prescribes modes of acquiring citizenship. They are :

1. Citizenship by birth : Every person born in India on or after 26th January 1950 shall be a citizen of India by birth. Those who were born before 26th January 1950 and also domiciled in India were granted citizenship.

2. Citizenship by descent : Every person born outside India on or after 26th January 1950 shall be a citizen of India by descent if either of his parents is a citizen of India at the time of his birth.

3. Citizenship by registration : If any person who is not an Indian citizen, if he desires to become Indian citizen he can acquire the Indian citizenship as per the constitution or The Act of Citizenship through Registration.

4. Citizenship by naturalization : Foreigners can acquire Indian citizenship by naturalization by submitting an application to the concerned authority i.e. the President of India. Certain conditions have to be fulfilled by them before submitting the application. They should have lived in India for not less than the period of five years.

5. Citizenship by the incorporation of a new territory : If any new territory becomes a part of Indian union, then the government of India by an Act notifies the persons as to whom Indian citizenship is granted.

Loss of Citizenship in India : Just as citizenship may be acquired, it can also be lost for a variety of reasons. Some of the important ways of losing citizenship may be stated as follows:

1. Renunciation : Any Indian citizen can renounce his citizenship voluntarily by submitting an application before the concerned authority.

2. Termination : If any citizen of India acquires the citizenship of any other country his Indian citizenship is terminated by law. This procedure does not require the submission of any application.

3. Deprivation : If any person has obtained the citizenship of India by fraud or if he/she has indulged in anti-national activities or shown disloyalty towards the Constitution of India, the government of India deprives him/her of his/her citizenship. It is forced termination.

Types of Citizenship : There are two types of citizenship. They are single citizenship and dual citizenship. In single citizenship people have only one citizenship that is National citizenship irrespective of the province that he belongs to. There is no separate state citizenship for e.g. India. In federal states like USA and Switzerland there is dual citizenship. That means every individual obtains state citizenship in which he lives and national citizenship also.

Citizen and the Government : There is a close relationship between the state and the citizen. There is no state without citizens. The state or the government protects the interests of the people. It provides protection from foreign aggression. It maintains law and order and promotes unity. It frames the laws and curbs aggressive elements and violence so that peace can be maintained in the state. It undertakes social, economic plans and educational programmes for the benefit of its citizens. It plans and undertakes programmes to overcome the problems of illiteracy, poverty, inequality and unemployment etc. In addition the Constitution guarantees fundamental rights.

The citizens have certain duties towards the nation. Rights and duties are like the two faces of the same coin. A citizen derives many benefits from the nation. Similarly he has certain obligations and functions to perform.

- He must respect the Constitution and obey the laws of the government.
- He must protect the national honour and dignity by his words and deeds.
- He must not indulge in anti-national activities.
- He must oppose and check the evil practices like corruption, nepotism, dowry, child marriage, etc., through constitutional means.
- He must take part in the political activities of the state as the quality of the government depends on the quality of citizens.
- He must place the national interest above the personal interest and work for national progress.
- He must be service minded and must be prepared to sacrifice for the sake of nation.
- He has the obligation like paying taxes and defending the nation.

In addition to these functions certain fundamental duties are incorporated in our Constitution. The purpose of these fundamental duties is to make citizens aware of their social and economic obligations. It also helps the citizens to understand as to what they should do or what he should not do in the interests of the country. So a citizen should follow and practise these fundamental duties in the interests of community, nation and their own progress. There should be a cordial relationship between the citizens and the government. It should be based on the principle of give and take.

Fundamental duties are incorporated in our constitution in 1976 through 42nd amendment. The fundamental duties are included under article 51(A).

EXERCISES

I Fill in the blanks with suitable words :

- 1 The people living in India under the British rule were termed as _____.
- 2 A temporarily residing foreigner in our country is called _____.
- 3 Citizenship Act was passed in the year _____.
- 4 The method through which you have acquired citizenship is _____.

II Answer the following questions briefly :

- 5 What is citizenship ?
- 6 What are the benefits enjoyed by a citizen ?
- 7 Name the body which has the authority to legislate the laws on citizenship in India.
- 8 Mention the methods of acquiring citizenship.
- 9 Explain citizenship by naturalisation.
- 10 What are the methods of losing citizenship ?
- 11 Mention a situation under which citizenship is terminated.
- 12 Mention the types of citizenship and write the differences between them.
- 13 What are the duties of a citizen towards his nation ?

III Activities :

- 14 Prepare a pictorial representation of the fundamental duties and exhibit it in your school.
- 15 Discuss the benefits of fundamental rights under the guidance of your teacher.
- 16 Discuss the importance of right to equality and right to freedom in India (under the guidance of your teacher).

- 17 Prepare a pictorial chart showing the methods of acquiring and losing citizenship and exhibit it in your classroom.
- 18 Discuss the benefits of single citizenship in India.
- 19 Supposing the dual citizenship as in US is introduced in India, how does it benefit us? Discuss.

IV Projects :

- 20 Collect information from the newspapers and magazines about the violation of fundamental rights and the remedial measures taken.
- 21 Collect information from the authorities concerned about the procedure to be followed by an Indian if he wants to stay in a foreign country for a short period of time.
