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Indian citizenship



- The Ministry of Home Affairs said that in the year 2021, more than 1.6 lakh Indians gave up their Indian citizenship.
- The number of people who gave up their Indian citizenship in the year 2020 was 85,256 and in the year 2019 this number was 1.44 lakh.

Citizenship:

Constitutional Provisions:

- Citizenship is listed in the 'Union List' under the Constitution and is thus under the exclusive jurisdiction of Parliament.
- The Constitution does not define the word 'citizen', but the various categories of persons eligible for citizenship are given in Part 2 (Articles 5 to 11).

Acquisition of Indian Citizenship:

- The Citizenship Act of 1955 specifies five methods of obtaining citizenship, which include birth, descent, registration, naturalization and incorporation of territory.

Citizenship (Amendment) Act, 2019:

- The Act amended the law to accelerate citizenship for religious minorities from Afghanistan, Bangladesh and Pakistan, especially Hindus, Sikhs, Buddhists, Jains, Parsis and Christians, who entered India before 2015.
- The requirement for them to have resided in India for at least 11 years before applying for Indian citizenship has been reduced to five years.

Reasons for people relinquishing citizenship:

Common cause:

- People migrate from their countries for better employment and housing conditions and some migrate due to climate change or unfavorable political conditions in the country.

According to the Global Wealth Migration Review, 2020:

- High net worth individuals around the world who renounce citizenship acquired at birth may do so because of rising crime rates or a lack of business opportunities in the country.
- Other factors include safety of women and children, lifestyle factors such as climate and pollution, financial concerns including taxes, better health care for families and educational opportunities for children, and migration to escape oppressive regimes.

India:

- In the new generation, some of the Indians holding passports from other countries are opting to live with the old Indian family settled abroad. In some high-profile cases, people leaving India are running away from the law or fearing legal action for alleged offences.
- The post-independence migrant community is moving out of India for jobs and higher education, but the pre-independence migrant movement was completely different, which saw forced and indentured labour.
- Since India does not provide dual citizenship, one has to give up his/her Indian citizenship to get citizenship of another country.

- Countries where Indians have been living for a long time or where people have family or friends will have more automated options, such as easier paperwork and a more welcoming social and ethnic environment.

Ways to relinquish citizenship in India:

Voluntary Renunciation:

- If any Indian citizen who is of full age and capacity, can renounce the citizenship of India at his will.
- When a person gives up his citizenship, every minor child of that person also loses Indian citizenship. However when such a child attains the age of 18 years, he can get Indian citizenship again.

Termination by:

- The Constitution of India provides for single citizenship. This means that an Indian person can be a citizen of only one country at a time.
- If a person takes citizenship of another country, then his Indian citizenship automatically ends. However, this provision does not apply when India is engaged in war.

Deprived by the Government:

- The Government of India can terminate the citizenship of an Indian citizen if;
- Citizens have insulted the Constitution.
- Gained citizenship by fraud.
- The civilian has illegally traded or communicated with the enemy during the war.
- A citizen in any country sentenced to 2 years of imprisonment within 5 years of registration or naturalization.
- Citizen has been residing outside India continuously for 7 years.

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Indian minority



- Recently, the Supreme Court, while hearing a petition, said that the minority status of religious and linguistic communities is “state-dependent”.

Related petition:

- The petition complains that the followers of Judaism, Wahhabi and Hinduism are de facto minorities in Ladakh, Mizoram, Lakshadweep, Kashmir, Punjab and the north-eastern states.
- However, they cannot establish and administer educational institutions of their choice due to lack of ‘minority’ identity at the state level.
- Religious communities like Hindus are socially, economically, politically non-dominant and few in number in many states.

Decision:

- Every person in India can be a minority in one or the other state.
- A Marathi may be a minority outside his home state Maharashtra.
- Similarly a Kannada speaking person can be a minority in states other than Karnataka.
- The Court indicated that a religious or linguistic community that is a minority in a particular state can claim the right to conduct its own educational institutions under Articles 29 and 30 of the Constitution.

Minorities notified by the Government of India:

- At present, only the communities notified by the Central Government under Section 2 (C) of the National Commission for Minorities Act, 1992 are considered as minorities.
- Notwithstanding the decision of an 11-judge Supreme Court Bench in the TMA Pai case, which explicitly stipulated that linguistic and religious minorities should be identified at the state level rather than at the national level, the National Commission for Minorities (NCM) Act, 1992 Section 2(c) of the Act gave “unbridled power” to the Center to notify minorities.
- MC became a statutory body in the year 1992 with the enactment of the NCM Act, 1992, which was renamed as NCM.
- The first statutory National Commission was set up in the year 1993 and five religious communities namely Muslims, Christians, Sikhs, Buddhists and Parsis were notified as minority communities.
- Jains were also notified as a minority community in the year 2014.

Constitutional Provisions for Minorities:

Article 29:

- It provides that any class of citizens residing in any part of India having a distinct language, script or culture of its own shall have the right to preserve it.
- It provides protection to both religious minorities as well as linguistic minorities.
- However, the Supreme Court held that the scope of this article is not limited to minorities only, as the use of the word ‘class of citizens’ in the article includes minorities as well as the majority.

Article 30:

- All minorities shall have the right to establish and run educational institutions of their choice.
- Protection under Article 30 is limited to minorities (religious or linguistic) only and not to any class of citizens (under Article 29).

Article 350(B):

- The 7th Constitutional (Amendment) Act, 1956 inserted this article which provides for a special officer appointed by the President of India for linguistic minorities.

- It shall be the duty of this special officer to investigate all matters relating to safeguards provided for linguistic minorities under the Constitution.

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