CHAPTER SEVEN

INDIAN CITIZENSHIP AND ITS SECULAR NATURE

In dealing with the Concept of Indian Secularism, it is necessary to explain the character of citizenship in India. This is because of the fact that, the Concept of Secularism is also implied in the ideal of Indian citizenship.

The Concept of citizenship is based upon the notion that the individual, not the group is the basic unit. The citizenship is the relationship between the individual and the State, in which the State imposes duties and the responsibilities upon the individual and in turn the individual gets rights and privileges sanctioned by the State.

Constitutional Provision :-

In the context of citizenship in India, it may be noted that the Constitution did not make detailed provisions regarding the acquisition and termination of the citizenship and left this task to be determined by the
Parliament. Accordingly, the Citizenship Act, 1955, has been enacted by the Parliament. Articles 5 to 11 which are embodied in the Part-II of the Indian Constitution, and the provisions in the Citizenship Act of 1955 give the clear picture of Indian Citizenship.

Article 5 to 11 of the Indian Constitution give broad outlines of Indian Citizenship. Article 5 deals with the Citizenship at the commencement of the Constitution. Article 6 explains the rights of Citizenship of certain persons who have migrated to India from Pakistan. Article 7 provides for the rights of Citizenship of certain migrants to Pakistan. Article 8 deals with the Rights of Citizenship of certain persons of Indian origin residing outside India. Article 9 explains voluntary acquiring Citizenship of foreign State not to be citizens. Article 10 explains continuance of the rights of citizenship. Article 11 provides for Parliament to regulate the rights of Citizenship by law.

Secular Nature:

The Constitutional provisions of the Citizenship make it clear that, Indian Citizenship does not depend upon the religion of the individual and it is not connected with the Membership of a particular caste or community. In other words, the Indian Constitution has provided for a uniform single Citizenship to all the people irrespective of religion, caste, colour, creed, or sex etc., and no discrimination is shown by the State against any person on account of these grounds. Thus, it may be observed that Constitutional provisions regarding the Citizenship confirm the Secular character of Indian Constitution and the State.

Mr. Shelat has remarked that Articles 5 to 7 of the Constitution which deal with the Citizenship are altogether Secular in character having nothing to do with race, religion or creed. —— The provision for universal adult franchise, irrespective of race, religion, creed or sex make the Secularity of the citizenship potent and purposeful.

Similarly, the Constitution of India does not provide for the gradations of Citizenship like 'First grade Citizen' belonging to the majority community and 'Second grade Citizens' belonging to the minorities communities, on the basis of religion or caste etc. Therefore, such description with reference to the Citizenship and Citizen, though it is used by some political leaders, is not correct according to the Constitution. Justice Gajendragadkar has observed that 'there is one class of citizens in India and not two classes. Hindus, Muslims, Christians, Jews, Parsis and all others who are citizens of this country can claim the same Citizenship without the slightest doubt.\(^3\).

Here, it can also be pointed out that, the Indian Constitution provides for the system of single rather than dual Citizenship like that of the U.S.A. It implies that, there is only one Citizenship namely the Citizenship of India, and the States have no separate Citizenship.

It also implies that the Fundamental Rights which are conferred by the Constitution upon the citizens, can be claimed by any citizen of India irrespective of the State in which he lives. As Dr. Ambedkar, described it: "Indian Constitution is dual polity with single Citizenship. There is only one Citizenship for the whole of India. It is Indian Citizenship. There is no State Citizenship. Every Indian has the same rights of citizenship no matter in what State he resides." 4.

In India, single Citizenship was introduced to counteract the communal and regional tendencies, and to promote the feeling of the unity and fraternity among the people residing in various parts of the country and having different religion, caste, language etc. However, it should be noted that the desired object of single Citizenship has not been achieved. In actual practice, regionalism, casteism, linguisim and communalism prevail, and occasions of unity and fraternity are rare. According to Pylee, "domiciliary rules" hinder the full realization of ideal of a single Citizenship established under the Constitution. 5.

Constitutional provisions for the reservations of seats in the Legislature and the Government Services on the basis of caste, has also weakened the ideal of Citizenship based on equality. Likewise, the prevailing practice of 'Personal Laws' and the absence of 'uniform civil code' also affected badly the ideal of single and Secular Citizenship.