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Rights under Citizenship Act, 1955

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Introduction

The wording of the Constitution of India, 1950, acknowledges the significance of citizenship-related problems by giving them a special place in the foundationconstitution. The six provisions in section II of the Indian Constitution, named "Citizenship," come before the crucial clauses pertaining to fundamental rights, which are contained in the following section. The idea of citizenship that wouldbe incorporated in the constitutional text received a great deal of attention and debate during the 1946–1949 writing process. After several rounds of changes to versions created over the course of two years by various preparation groups, the final language of the sections pertaining to citizenship was chosen. Nevertheless, even though they are still granted and acknowledged by the law, citizenship rights are not considered "Fundamental Rights" in India. As we shallsee, this has an impact on how much weight is given to them in relation to the basic rights, such as those that pertain to expression, gathering, personal liberty, etc. In everyday conversation, nationality and citizenship are frequently used synonymously in India.47 Particularly in more recent times, when "nationality" and "nationalism" have once again turned into flashpoints of conflict, there is some uncertainty surrounding these words. Even though their membership appears to be recognized, a number of citizens have been accused of harboring "anti-national" views. In the part of our study that concludes, we will concentrate on this. However, in Indian citizenship law, there is a significant difference between citizenship and country, at least according to how judges have construed these terms. The Indian Supreme Court ruled in a case determined in the 1960s that citizenship only applies to natural people and denotes a legal standing that decides civil and political rights within the framework of domestic law. In contrast, a person's nationality decides their civil rights under international law and can be applied to either natural people or juristic persons. The first census findings from 1871 were introduced during the British Raj and allowed the imperial officials to "see" and learn about their people according tolisted categories. The colonized subjects also had to learn how to take on some new identities during this process. The "classification" and "counting" processes helped to clarify identities, which were less rigid and more flexible than what was apparent in the exact and definite numbers of the census findings. In censuspolls and computations, the categories of "religion," "caste," and even "age" havecome to be seen as politically fraught and susceptible to both misunderstandingand deception, according to academics. We look at the divisions of Indian identity in connection to faith while keeping these disclaimers in mind. Hindus make up 966 million of the 1.2 billion Indians, or nearly 80% of the country's total population. Hindus are split into five major groups according to religion (four varnas and a fifth, unidentified category for the erstwhile Untouchables); these varnas are further separated into more than 3000 sub-categories. (jatis). The 172 million Muslims who live in India make up its biggest minority faith, making up 14.23% of the country's population. India now has the third-largest Muslim populace in the globe as a result. Muslims in India can also be categorized as Sunnis, Shias, Bohras, Ismailis, or Ahmadiyyas.

There are numerous additional groups within the Hindu community. Christians (27.8 million), Sikhs (20.8 million), Buddhists (9.25 million), Jains (4.4 million), and Parsis (4.4 million) make up other sizeable faith communities in India. (57,264). This study examines citizenship-related problems in India since the imperial era. The Indian subcontinent's peoples' legal standing was a major factor in the anti-colonial, nationalism campaign. The territory of citizenship has remained marked by numerous contestations since India's declaration of independence in 1947, connected to various historical eras and socio-political reasons. The study aims to chart the major developments andstory turning points in India's evolving citizenship system. The following particular time eras and social divisions are highlighted:

i) The context of British India's partition, which resulted in the establishment ofthe new nation states of India and Pakistan in 1947;

ii) the further creation of Bangladesh in 1971; the unrest that followed, which caused changes to be made to Indian citizenship laws; and, finally,

iii) the long-running issue of "estate/plantation Tamils" in Sri Lanka, which dates back to the inflow of large populations of Tamils who were sent from the Madras Presidenc Therefore, the continuities and ruptures of colonialism have left a lasting impression on Indian citizenship. Political and societal changes are simultaneously transforming it.

These patterns have become even more complicated in recent years as a result of the growth of Hindu majoritarian groups at the regional and national

levels. The fundamental nature of Indian citizenship has evolved over time from ius soli to iussanguinis, according to Niraja Jayal's convincing argument. (Jayal 2016, 2017). Jayal contends that the organizational concept at the time the Constitution was established was ius soli,or on the premise that birth on Indian territory would grant citizenship rights, though this was combined with other grounds. The governing principle of Indian citizenship, in Jayal's opinion, has lately shifted more towards iussanguinis, thatis, based on ancestry or through the citizenship of parents, and explicitlydisadvantages Muslims. We contend that in addition to this shift, other changes are occurring because, despite a recent trend favoring Hinduism in matters pertaining to citizenship laws, this movement has not been consistent, as Hindu Tamils from Sri Lanka have not reaped the benefits of this development to the same extent. Therefore, faith is not the only explanation for the complicated development of Indian naturalization rules. The landscape of citizenship legislation is still changing and developing, and it will undoubtedly change more as agonistic conflicts between various groups of Indian citizens develop. The structure of the essay is as follows. The historical background of the Indian citizenship law system is provided in the second part of this essay. It analyzes the imperial and constitutional histories of citizenship law, as well as the pertinent constitutional clauses, through a chronological perspective. The final part describes the present naturalization law system. The emphasis is split between a literal interpretation of the statute provisions and the political and legal framework that underlies each provision and the corresponding changes. The report's conclusion is presented after the fourth part, which gives a summary of some recent political discussions. The legal story on Indian citizenship frequently references the "constitutive outsider," a shady figure. As previously mentioned, it is claimed in pertinent literature that India's current legal system of citizenship is the result of a gradualtransition over time from a ius solidominant system to one that is highly affected by iussanguinis. One reasonable explanation for this change is that it was sparked by the existence of this "constitutive outsider" or "other," and that in response to the enormous influx of foreigners whose children would be eligible for citizenship simply by being born in India, the ius soli regime was weakened by requiring the presence of kinship ties. However, these actions have had a majorimpact on both immigrants and those who live on the periphery of citizenship, or what Jayal refers to as "peripheral citizens," as well. This strengthening of regulation has been a constant reaction to the existence of the "other," as will beshown while outlining the pertinent sections and revisions of the current legal system of citizenship. While the Constitution addressed citizenship at the time it went into effect, the Citizenship Act of 1955 aimed to outline the fundamental characteristics of citizenship after the Constitution's entry into force. The Act's terms have been made retroactively effective in some cases. This is where the oddity appears. While the Constitution's citizenshiprelated provisions are said to have started in November 1949, these provisions are retroactively effective as of January 1950. Due to this oddity, there is uncertainty regarding citizenship between November1949 and January 1950. (Sinha 1962: 89-90). The Act outlines the procedures for gaining and losing citizenship as well as other unrelated issues. The definition of different words in Section 2 helps to clarify how the law should be interpreted. The process of becoming a citizen is covered in Sections 3 through 7.

Loss of citizenship is addressed in Sections 8 through 10. Prior to the 2003 change, Sections 11 through 18 dealt with issues of administrative significance, Act-related offenses, and the idea of Commonwealth citizenship. The Act has three sections attached. Commonwealth citizenship is addressed in the First Schedule, which has been abolished. The pledge of loyalty that prospective residents must swear is contained in the Second Schedule. The Fourth Schedule details the particular nations whose residents of Indian descent are qualified to file for Indian foreign citizenship, while the Third Schedule outlines the criteria for naturalization. Wefirst set out the provisions addressing modes of purchase in this part of the report, then we move on to those addressing modes of loss, and lastly we quickly reviewthe supplementary provisions. Since the most significant amendments have been limited only to the provisionsrelating to the modes of acquisition, we have provided a relatively detailed overview of this aspect. While detailing the modes of acquisition we have not discussed the provisions in chronological order. The reason is that the amendments to these provisions have not been made in observance of the sequence of these provisions. For instance, one of the first significant amendments was made to Section 6 in 1985 followed by another amendment to Section 3 in 1986. Furthermore, as is the case with Sections 3 and 6, the narratives of these amendments are so intertwined that they warrant being discussed together in the interest of maintaining narrative coherence.

Modes of Acquisition

The different modalities of acquiring citizenship under the Act are: birth, descent, registration, naturalization and incorporation of territory. In its original form, Section 3 provided that _every person born in India on or after 26 January 1950 shall be a citizen of India by birth.‘ There are two notable exceptions to this provision. The first is if a person‘s father enjoys diplomatic immunity and isnot a citizen of India; the second is if a person was born in a territory occupied by enemies and his father was an enemy alien. In this form of Section 3, the iussoli principle of citizenship is seen as being consonant with the constitutional regime of citizenship. As a general rule, a person, regardless of the citizenship of his or her parents, was automatically an Indian citizen by virtue of having been born in India. The principle of ius soli is reflected in yet another related provision – Section 2(2) – which stipulates the citizenship of a person born in transit aboard a ship or an aircraft. The implication is that if a person is born in a ship or aircraft that is owned by the government of India, he or she is deemed to have been born in India even ifthe ship or aircraft is in international waters or flying over international airspace.In the years that followed, Section 3 was amended twice – in 1986 and 2003. It has been argued that the trajectory of this section is indicative of a shift in the legal regime from the ius soli to the iussanguinis principle. The genesis of the tectonic shift, however, goes as far back as the period between the late 1970s tothe early 1980s. In order to better appreciate the origins of this trend, one must examine the relevant

portions of the text and context – both political and legal – of the 1986 amendment. The context of the 1986 amendment can be gleaned from the Citizenship (Amendment) Act, 1985 and the factors responsible for it. The narratives of these two amendments are inextricably linked, in that the 1985 amendment informed the framing and conceptualization of the 1986 amendment. A perusal of the statement of objects and reasons of the 1986 amendment revealsthat one of its stated objectives was ―preventing automatic acquisition of citizenship of India by birth‖. The 1986 amendment signified the first codified attempt directed specifically at diluting the ius soli character of section 3 of the Citizenship Act. This version of Section 3 puts in place two limitations. The first is in the form ofthe timeframe in clause (a) by which only persons born before the commencement of 1986 will qualify automatically for citizenship by birth. The second limitation, which is triggered on or after the 1986 amendment commences, is that in addition to being born in the territory of India, a person should also have some nexus with the territory through descent, i.e., either of his or her parents should be Indian citizens when he or she was born. It is through this added requirement of nexus by descent that persons born after the stipulated time period are precluded from automatically acquiring Indian citizenship. The amended provision sat rather uneasily with the constitutional regime of citizenship. As we saw in Part II, in the debates concerning the framing of the constitutional provisions on citizenship, the framers were, for the most part, following the secularizing impulse of modernity in codifying the principle of iussoli as the governing principle of citizenship.49 Accord (Jayal 2016). A more detailed account of this movement and the amendment relating to the Accord – the 1985 amendment - will be dealt with in later paragraphs. It is important to note that unlike the 1986 amendment, the 1985 amendment made no changes tothe text of Section 3.

What is relevant in the context of Section 3, however, is that the political developments surrounding the 1985 amendment informed how the problem was framed in the legal context of the 1986 amendment. The framing of this problemas the foreigners‘ issue in the statement of objects and reasons of amending legislation lent itself to serving as a justification for incorporating elements of iussanguinis in the statutory regime.15 While the Assam Accord and the resultant amendment in 1985 undoubtedly catalyzed the shift to a iussanguinis regime, they were not the only factors responsible for this shift. The influx of foreigners was not confined only to Assam. The Indian state of Tamil Nadu was contemporaneously witnessing an influx of refugees who were fleeing Sri Lanka.A brief overview of the conflict plaguing the Sri Lankan polity is warranted so as to provide context. It should be noted however, that owing to the paucity of space, this is a rather simplified account of a rich and nuanced history. India andSri Lanka have more in common than their shared colonial past. Akin to India, Sri Lanka too is a multiethnic country comprised mainly of the Sinhalese, Tamilsand the Sri Lankan Moors.50 The Tamils, who are primarily Hindus, constitute two related but different categories – the plantation or the Indian Tamils, who constitute 4.1% of the Sri Lankan population, and came from India to work on the plantations in the central highlands of erstwhile Ceylon (now, Sri Lanka), and the Jaffna or the Sri Lankan Tamils who constitute 11.2% of the population and have a much longer presencein the island. The Sri Lankan Moors who are Muslims constitute 9.3% of the population. It bears noting at this point that the longstanding ethnic conflict between the Sri Lankan Tamils and the Sinhalese severely impacted the plantation Tamils. The conflict reached a flashpoint in 1983 as a result of whicha significant number of Tamil refugees had fled to India. It is estimated that as many as 100,000 Tamil refugees came to India in the aftermath of the onset of the civil war in Sri Lanka in the early 1980s. This inflow of Tamil refugees continued in a phased manner till 04 April, 2012. Official sources claim no Tamil refugees arrived in India after this date.20 As of 01 November 2016, the estimated number of Tamil refugees in India, specifically in Tamil Nadu which is where the refugees are predominantly settled, was 1,01,219. The Tamil refugees constitute one of the largest groups of refugees in India; the other group is the Tibetan refugees. Indian policy pertaining to Tamil refugees however, has been anemic in its prescriptions for the most part, as will be highlighted in Part IV of this paper. Returning to our narrative, what needs to be emphasized is that it was against this backdrop of themass movement of aliens from Bangladesh, Nepal and Sri Lanka that the 1986 amendment was enacted. In 2003, further limitations were worked into Section 3 to the effect that anyoneborn before 2003 would acquire citizenship if either of his or her parents were born in India. However, anyone born after 2003 would acquire citizenship only if both of his or her parents are Indian citizens or if one his parents is not an illegal migrant at the time of birth. This is to be read in conjunction with the 2003 amendment to Section 6.

Section 6 deals with the acquisition of citizenship by naturalisation. The original, unamended version of this Section provided that any person of full age and capacity who is not a citizen of any country specified in the First Schedule‘ can apply for citizenship, and the Central Government after determining whether such a person satisfies the qualifications spelt out in the Third Schedule, may grant a certificate of naturalisation. However, a person does not become a citizenmerely by acquiring this certificate. He or she is required to take an oath of allegiance as per the Second Schedule and it is only after swearing to this oath that he or she will qualify as an Indian citizen. Section 6 does provide for an exception – where the government is of the opinion that the applicant is an eminent person who has made integral contributions to ―science, philosophy, art, literature, world peace or human progress‖, all or any of the requirements of the Third Schedule can be waived. The 2003 amendment replaced the words ‘First Schedule‘ in Section 6 with the phrase illegal migrants‘. The story of the origins of this phrase goes back to the 1985 amendment. What the statement of objects and reasons of the 1985 amendment describes as the foreigners‘ issue is a reference to the problem of mass influx of these illegal migrants. It was to redress this persisting problem that Section 6A was introduced by the 1985 amendment. Section 6A sought to create two categories of people – people who had been residing in Assam before 1 January 1 1966 and people who came to Assam from Bangladesh ―on or after the 1st day of January, 1966 but before the 25th day of March, 1971‖ and were detected as foreigners. The first category of people were deemed to be citizens of India merely by ordinarily residing in Assam and because their names 91 featured in electoral rollsfor the purposes of the General Election held in 1967. The second category of

people would have to register as per the rules made under Section 18. This second category of people were entitled to the same rights as ordinary Indian citizens with one notable exception. The people in this category would not be able to exercise their right to vote for ten years following the date on which theywere detected as foreigners. This phased extension of rights in the sphere of franchise is a rather peculiar choice given how inextricably franchise is tied to the idea of citizenship. There are a couple of oddities in this provision that remain unexplained till date. A detected foreigner who had entered Assam between January 1966 and March 1971 can, through a declaration, submit that he or she does not wish to avail of the rights and recognition stemming from Indian citizenship, and thereby be exempted from registering. The legislation and surrounding discourse is, however, silent on what the status of such a person will be.

A similar declaration, but one declaring intent to not be a citizen, can be submitted by people in the first category – i.e. those who entered Assam before January 1966. Yet again, the Act and surrounding literature we have surveyed are silent on how the intent to not be a citizen is different from the intent to not avail of rights. This provision has often been criticized for being a codification of popular resentment. As set out in its Statement of Objects and Reasons, the 1985 amendment was enacted to give effect to the provisions of the political settlement that is known as the Assam Accord. While this express acknowledgement, or the practice of giving legislative effect to a political settlement in itself is not problematic, many take issue with specific provisions such as the one stipulating the cut-off date of 1971, as arbitrary. Critics further claim that the AASU and other concerned parties‘ arbitrary demands received the blind sanction of legitimacy by being enacted as a legislative provision53 As mentioned earlier, the Assam Accord signified the culmination of years of political struggle. In 1980, following the discovery of foreigners‘ names on electoral rolls, the All Assam Students‘ Union submitted a memorandum to the erstwhile Prime Minister of India, Indira Gandhi. Agitations against the influx of foreigners had begun as early as in 1974. The state of Assam witnessed massmobilization in the form of various non-cooperation movements to voice concerns against the participation of foreigners in the Indian electoral process. However, the AASU claimed that no action was taken on this front. In light of the situation where foreign participation was determining the fate of the polity and impacting the ―political, social cultural and economic life of the State‖, this memorandum was drafted and submitted. The memo provided context and evidence regarding the issue at hand. It presented data to demonstrate the massive increase in the population of Assam between 1951-1971. Till this point, the AASU movement had been non-violent. In fact, the AASU stressed the importance of nonviolence in its memorandum as well. However, contemporaneous with the controversial elections of 1983, where several illegal migrants were included in the electoral rolls, the peaceful agitations took a turn for the worse. On February 18, 1983, an indigenous Assamese tribe that was predominantly Hindu attacked the village of Nellie where a minority of Bangladeshi migrants had settled. These migrants were predominantly Muslim women and children. The official death toll stood over 2000, while unofficial sources maintained that the actual toll was closer to 10,000.54 This communal clash irrevocably changed the character of the Assam agitation and weakened its support base considerably. It is claimed that the agitation wason hiatus between 1984 to 1985 on account of the Nellie massacre and the suddendeath of Prime Minister Indira Gandhi. In 1985, however, negotiations resumed between the Central government of India and AASU with Rajiv Gandhi as the new Prime Minister. These negotiations came to fruition in the form of the Assam Accord – a political settlement between the AASU, the All Assam GanaSangramParishad (a regional political party), the state government and thecentral government. Both the Assam Accord and the resulting Section 6A introduced by the 1985 amendment have had a far reaching impact in that they still inform current debates on citizenship. While Sections 6 and 6A dealt with naturalisation and the regularization of foreigners respectively, Section 4 provides for acquisition of citizenship by descent. It caters to persons who werenot born in India but whose parents are Indian citizens. Until the amendment in 1992 this provision only recognised patrilineal descent. The 1992 amendment sought to reframe this gendered provision in an egalitarian fashion. Consequently, in its current form, Section 4 provides that for any person who was born on or after the commencement of the 1992 act, a claim to kinship is governed not just by patrilineal descent but could also be governed by matrilineal descent. It further provides that in cases where either the mother or father was a citizen of India by descent, the person would not automatically qualify for citizenship but would have to register. Section 5 details the acquisition of citizenship by registration. This provision caters only to specified categories of people. The position of individuals in areas that were not initially a part of IndependentIndia but were later gained, in effect becoming a part of Indian territory, is covered in Section 7. The Central Government is given the authority to issue decrees under Section 7 that define which residents of the gained area would be eligible for Indian citizenship. Relevant naturalization orders were enacted in 1962 in line with these powers following the cession of the French and Portuguese territories of Pondicherry, Daman and Diu, Goa, and Dadra and Nagar Haveli. It should be mentioned that the Goa, Pondicherry, and Daman and Diu regions' citizenship decrees permitted the keeping of prior citizenship. The region of Dadra and Nagar Haveli, however, was not given this choice. A citizenship orderwas made in the state of Sikkim to decide the position of the Sikkimese after it was ceded to Indian land in 1975. Significant changes to Sections 5 and 7 have been made in 2003, 2005, and 2015. As previously mentioned, the founders had made the decision to expressly reject claims of dual citizenship at the foundationwhile taking into account the claims of Indians residing in other parts of the globe. However, the demand for dual citizenship has increased recently as more abroad Indians—an estimated 20–25 million people—have expressed a desire tokeep their connections to India.

In response to this demand, the government established a commission in September 2000 to examine the situation and make suggestions on how to promote positive ties between India and the Indian community. The Committee refrained from suggesting that dual citizenship be granted automatically. The short outline of the Committee's report explains why the automated acquiring of dual citizenship is not recommended. The pertinent

part of the synopsis is as follows: "The Committee recommended that dual citizenship should be allowedfor members of the Indian Diaspora who satisfy the conditions and criteria laid out in the legislation to be enacted to amend the relevant sections of theCitizenship Act, 1955." Being acutely aware of the heightened security worries following the string of terrorist attacks, particularly the assault on India's Parliament on December 13, 2001, the Committee made specific suggestions in this respect. As a result, the Committee did not advocate for the automatic conferral of dual citizenship, which would have required compliance with the standards established by and pursuant to parliamentary law. In response to these suggestions, the Citizenship (Amendment) Act of 2003 attempted to give people of Indian descent citizenship of India abroad, provided that they met the requirements outlined in the revisedlaw. As a result, the group of people with Indian ancestry was established. (PIO). The Citizenship (Amendment) Act, 2005 subsequently aimed to broaden the parameters of foreign citizenship and decreased the required amount of time spent residing in India for these individuals from two years to one year. The phrase "Overseas Citizen of India" has been changed with the phrase "Overseas Citizen of India Cardholder" by the Citizenship (Amendment) Act, 2015. It further weakened the residency criterion by requiring only that an individual "ordinarily" live in India. This effectively implies that an individual who wanted to be listed as an Indian resident living abroad could not depart India for a year before this change. The revising act of 2015 eased this requirement, allowing such individuals to journey for a set amount of time due to urgent situations during the course of the year of usual occupancy. Loss Mechanisms Sections 8, 9, and 10 discuss the various forms of citizenship loss. Indian citizenship may be renounced under Section 8. In the 1955 iteration, eligibility requirements included being an adult with legal ability and a citizen of another nation. The prerequisite to be a foreign citizen was eliminated in the 2003 revision. Additionally, Section 8(3) was deleted, which stated that any woman who is or has been married is considered to be of legal age for the purposes of this section. A man was not subject to the same prerequisite, and it is also impossible to understand why men are given a distinct standard when deciding when they have reached manhood. Similar to Section 8(3), Section 8(2) features aspects of a female story. The young kid of a man who had relinquished his citizenship would no longer be an Indian citizen, according to the 1955 version. However, such a juvenile could file for Indian citizenship within a year of reaching adulthood. The word "male person" was changed to "any person" in Section 8's 1992 amendment to make it more inclusive of all genders. The end of Indian citizenship is addressed in Section 9.

As an example, when the Central Government acts as an appeal authority examining its own decisions, prejudice may enter and go unnoticed because the Government's decision is definitive. Additionally, instructions that are given without justification work against the justice principle by allowing possible arbitrariness to flourish. An argument was made in a case before the Bombay High Court that the Citizenship Act's clauses generally violate natural justice principles. The plaintiff was contesting the absence of pre-decisional hearing rules and directives issued without justification. Examining the sections of the CitizenshipAct reveals that the only recourse available to a person whose citizenship registration is revoked is the submission of an application for review following the adoption of the decision to revoke. (The Citizenship Act, 1955, Sec 15). As a result, orders of withdrawal are initially made without giving the worried partya chance to be heard. (The Citizenship Amendment Act, 2003, Sec 7D). The court that heard the case inferred that legislative purpose should be respected, which means that when the Parliament specifies the application of natural justice principles in a law, those provisions must be adhered to. The government, however, has the authority to suspend these rules in situations that call for quickaction. The bench added that it was advised for the Court to exercise judicial restraint when examining administrative decisions made in accordance with legislative provisions where those provisions expressly disallow the application of natural justice principles in cases involving issues of national security or sovereignty. Both the judiciary's laissez-faire attitude and the constitutional clauses granting the Parliament unrestricted authority to pass citizenship legislation have the potential to foster autocratic abuses. The following section of this essay examines, through the prism of current citizenship legislation have the potential to foster autocratic abuses. The following section of this essay examines, through the prism of current citizenship disputes, the consequences of legislative authority in the area of citizenship law.

Current Political Debates

Overview of the contemporary Indian political Landscape

The background of citizenship laws in India from the period of official freedomin the middle of the 20th century until the 1980s has been the focus of this study thus far. The Congress party controlled Indian affairs for the entirety of this time.The Congress served as the main instrument for the anti-colonial, nationalism campaign and served as the structural support for the Constitution-drafting process. Modernist and liberal modes of government were widely embraced by the Congress administrations led by Prime Ministers Nehru, Shastri, and Indira Gandhi during the post-independence era. This altered beginning in the 1970s under Prime Minister Indira Gandhi, who started implementing smart policies to attract support from religious communities in specific states and areas, includingMuslims, Sikhs, and other groups. A number of observers voiced concern over the overt or clandestine communalization of politics, arguing that it would provoke Hindu majoritarian parties, who had been peripheral in the legislative process since Independence, into retaliation. This actually happened in the 1990s, and the Bharatiya Janata Party (BJP) rose to prominence as the main national party defending the Hindu majority's interests. The BJP gained more votes than the Congress countrywide in the general elections conducted in 1996, 1998, and 1999, rising from having just 2 members in the 540-member lower House of Parliament in 1984 to becoming the only major party. In 1996, it established the Center's administration, but it held office for just 13 days. The alliance government headed by the BJP in 1999 was more effective and

completed its entire five-year tenure, making it the first non Congress administration in India to do so. India was ruled by an alliance headed by the Congress from 2004 to 2014. The BJP was reelected to power in 2014's national elections, leading a coalition administration. What is remarkable, though, is that Prime Minister Narendra Modi's administration can rule on its own despite being officially a partnership because the BJP holds a majority in the lower house of Parliament. The BJP is currently in control in 17 out of India's 29 states, having had remarkable success in state elections as of the drafting of this article in mid-2017. The BJP and Hindu majoritarian policies have undeniably gained ground in Indian politics since 2014, and this background informs the changes to policy in the area of citizenship that we investigate in this part. An summary of new modifications to India's citizenship laws A few general patterns can be seen in BJP administrations' repeated efforts to change citizenship laws (which have held office from 1999 to 2004 and from 2014 to the present), as well as in case law recently developed by the Indian judiciary:

i) a negative attitude toward "illegal migrants," who, it is claimed, have overrun states bordering Bangladesh since the 1960s, including Assam and Arunachal Pradesh, and must be restrained through adjustments to naturalization laws. Paradoxically, a similar tendency in Western India, where individuals from Pakistan have similarly violated citizenship rules while crossing the frontier from Pakistan, is not treated with the same approach. As Jayal meticulously details, faith may be the source of the distinction. While most of the "illegal migrants" in West India are Hindu, the majority of them are Muslims in East India.

ii) A more accepting and understanding stance toward citizenship claims made by Hindus, Buddhists, Jains, Sikhs, and Christians, particularly those from South Asia, who argue that as religious minorities they are persecuted in countries with a plurality of Muslims. Ahmadiyya and Shia sects, as well as Sri Lankan Tamils, are not accorded the same level of compassion. The assertions made by Muslims in general are openly viewed as antagonistic. aggressive pursuance of policies with the ultimate objective of dual citizenship for individuals with Indian ancestry (or the Indian diaspora). Despite being directed at the global population, these policies appear to be designed to help people living in specific parts of the world, such as North America and the United Kingdom, which are wealthier and better positioned to support political parties and foreign investment policies. Two recent efforts to modify the Citizenship Act of 1955, presented in 2015 and 2016, mirror these patterns in their respective bodies of legislation. A parliamentary commission is currently reviewing the Citizenship Bill of 2016, which was presented in the Lok Sabha (the lower House of Parliament). Muslims have been singled out for discrimination under the 2016 Bill. However, it would be incorrect to solely attribute this problem to religious prejudice. The Tamil migrants from Sri Lanka,who are primarily Hindu and make up one of the biggest immigrant groups in India, are also not named in this Bill. Not only have Tamil migrants experienced the government's apathy, but they have also been treated differently. Hindus from Bangladesh and Pakistan who were qualified to file for Indian citizenship are required to pay a minimal charge of Rupees 100, according to the regulations of a new fee system for citizenship that was introduced in 2016. However, Tamil immigrants who are Hindu from Sri Lanka must pay 10,000 Rupees. There doesn't appear to be a clear reason for this unequal handling at first glance. These are merely a few examples of how the government views Tamil migrants. These examples of laws and policies that allegedly discriminate or exclude the majority-Tamil population of refugees who are legally residing in India were included to cast doubt on the assertion that only religious and communal factors have an impact on India's changing citizenship laws. The tale of the ongoing mistreatment of Tamil immigrants shows that, while faith certainly plays a significant role, it is not the only element at play. Beyond this, nationalism has recently gained attention in the larger politicalenvironment.

Right-wing organizations have claimed that a number of categories of individuals are "anti-national." These accusations are frequently made against Muslims and other minority groups, but they are also made against Hindu majority members who disagree with these right wing idealogues and are scholars, authors, artists, public thinkers, and anti superstition advocates. What is concerning is that these accusations against radical organizations frequently lead to state-sponsored treason claims and other legal actions. Both state and non-state actors are elevating the symbolic meaning of traditional nationalist symbols like the national song and flag, and people who disagree with this tendency face abuse ranging from psychological to physical assault to murder in extreme circumstances. One needs to take a wider viewpoint in order to comprehend these patterns. At first glance, laws that aim to outlaw meat and outlaw the killing of cows may appear to have nothing to do with patriotism. These rules do, however, involve elements of citizenship if we regard citizenship as being about fundamental issues of identification, such as what specific citizens can consume, read, believe, or do. This holds true for laws that attempt to make the "Unique Identification Document" (also known as the "Aadhaar card") necessary for all financial and tax operations as well as the ability to use a phone. The latter pledges to incorporate the most extensive state monitoring system ever imagined into Indian law and will surely have an impact on the exercise of more extensive rights and benefits.