

Citizenship in India and Refugees Problem

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The Concept of Citizenship in India: A Constitutional Evolution

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Introduction

Citizenship, though being a complicated concept, has emerged as a key issue of discourse in the contemporary politics of the world's largest democracy. Being a new democracy, issues like identity, space and citizenship has taken a front seat. As a nascent democracy, for years, the focus was on modernization under the leadership of Nehru. The question: "who is an Indian" gained impetus with the resurgence of ethnicity and identity and rapid technological communication. In India, it was the era following the Emergency rule of Indira Gandhi (1975–1977) which united the political communities in championing the civil rights of the citizens. The transformative notion of citizenship in India is the result of diversity of cultures and the clashes which underpin them and the imported notions of Self and indigenous values of Self-hood.

Pre-Independence Evolution of Citizenship in India

Historically, the fact that India was united by an outer force, i.e., colonialism, cannot be denied. Hence, the concept of nationalism, identity and citizenship that is perceived in India holds its origin in the European impact on the freedom movement. However, the process of citizen-making in India, is unique because it priorities rights over duties unlike is European counterparts.

The British colonial rule brought with it Utilitarianism in India and the seeds of nationalism. The effort to revive the lost glory of the Mughal Glory, which was with the defeat of Sepoy Mutiny in

6. Upendra Baxi, *Failed Decolonisation and the Future of Social Rights: Some Reflections*, in *Exploring Social Rights: Between Theory and Practice*, Ed. Daphne Barak-Erez and Aeyal M. Gross, Oxford and Portland, OR: Hart Publishing, 2007
7. Constituent Assembly Debate 9: 398
8. Constituent Assembly Debate 1: 424
9. *Central Bank India v. Ram Narain* (AIR 1955 SC 36)
10. *Louis De Raedt v. Union of India* (AIR 1991 SC 1886)

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