

Different facets of Citizenship: A conceptual Study

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Abstract - In the present context, citizenship implies membership of the state. In ancient Greek city-states, citizens, who actively participated in the affairs of their respective states were only regarded as citizens. To quote Aristotle, "He, who has the power to take part in the deliberative or judicial administration is the citizen of the State". Therefore, the concept of citizenship changes with the passage of time. In ancient period, citizenship implied active and direct participation in the political affairs of the state. This is known as restricted citizenship and those citizens were conferred with special privilege. Women, manual workers, slaves, and all those, who lived outside the city-state, were not given citizenship at all. The concept of restricted citizenship was possible in the ancient world, where, direct participation in the political affairs of the state was possible due to smaller geography and population. But modern states, with considerably larger geographical boundaries and population, direct participation is not possible. Hitherto, citizenship is granted to all the residents of the state without any discrimination, irrespective of whether they take direct part in the political affairs of the state or not. Infact, there is no obligation on part of citizens to take direct part in the administration of the state. Hence those, who are permanent residents of the state and those who enjoy both civil and political rights, are called as citizens. Those who enjoy only civil rights and not political rights, such as minors, criminals, insolvents, foreigners are considered only as subjects. Infact, it is the enjoyment of civil and political rights, which distinguishes citizens and foreigners. Foreigners might enjoy permanent residence or civil rights, but political rights are not given to them. Therefore, the state may ask foreigners to quit the state at any time, if his or her activities are suspected to be against the state. In few countries such as USA, Switzerland, dual or double citizenship is given, in which, a person enjoys citizenship of both states, where he or she is born as well as the citizenship of the federation.

Index Terms - Citizen, Civil rights, Political rights, Subjects, Foreigners, City-state.

INTRODUCTION

Good citizenship and good state are inter-related as the idea of citizenship is the outcome of the idea of the

state. Good and virtuous citizens constitute a good state. In the same way a sound political system contributes much in the making of a good citizen. The modern age is the 'Age of Democracy'. There is a growing tendency towards the democratic form of government throughout the world. Democracy requires active participation of the people. People are sovereign in a democratic form of government. The successful working of democracy lies in the quality of citizens. The sound spirit of citizenship assures the success of a democracy. According to Prof. Bryce each citizen should possess three qualities, viz., intelligence, self-control, and conscience. Intelligence means through knowledge of the nature and functioning of the government on the part of the citizens. These kinds of citizens will be vigilant and will never allow a government to rule arbitrarily. It is only an intelligent citizen who chooses his leaders intelligently. Citizens with intelligence and strong common sense take part in the constructive and productive process of government in a democracy. Self-control implies thinking capacity. To fulfill their selfish desires, often human being engages in quarrels. Desirous and selfish nature of human beings are the root cause for social problems like poverty, illiteracy etc., one must practice the act of self-control to become selfless. People must have constructive ideas by which the entire community gains, which promotes integrity. Conscience highlights the feelings of love, sympathy, toleration, and devotion. Such virtues of a person will develop the fellow feeling. Such diligent, honest, and loyal citizens will serve the community.

Apart from above qualities, a citizen must also have patriotism, love, and devotion towards country. The degree to which, patriotism exists in the minds of the people is determined by number of other factors like literacy and political consciousness people have. Most Indians are torn between a number of loyalties such as regionalism, linguistic loyalty and caste loyalty. Though the presence of patriotism in the minds of such Indians cannot be questioned it must be admitted that

they have failed in giving precedence to patriotism over other loyalties. The perceptible loss of political awareness of the Indians has prevented them from knowing what goes into the making of the nation and what nation building demands of its citizens. The absence of patriotism leads to corruption and inefficient democratic and social institutions. The process of inculcating patriotism has to be complemented by the universal education and eradication of poverty. Nation can be strongly built only with the efforts made by its people. Tolerance is another pre-requisite for the success of democracy. Citizens have to be tolerant of other cultures and traditions and must try to uplift the country from the inferno of communal violence. Though having faith in one's own religion is essential, one should not try to degrade other religion. Respecting other religion will help in the process of nation building.

ACQUIRING OR LOSING CITIZENSHIP

There are two channels to acquire citizenship. They are: (a) Birth and Descent (b) Grant or Conferment.

- a. Birth and Descent: The most usual form of acquiring citizenship is by birth. This is called as the 'Principle of Jus Sanguinis' or 'the rule of blood relationship'. According to this principle, children born to certain parents will be regarded as the citizens of the state of their parents. There is one more principle called 'Principle of Jus Soli', which means on the basis of Birth. Persons born in a particular state become citizens of that state by virtue of their birth, even if the parents belong to other state. The territory on which birth occurs is exclusively the decisive factor. Whenever, there is a conflict of dual citizenship arises, a person will be given an option of choosing citizenship of any one of the states on acquiring 18 years of age.
- b. Grant or Conferment: Citizenship may also be acquired by naturalization. It is a legal process, whereby a foreigner is transformed into a citizen. Through naturalization, an individual, who is a foreigner by birth acquires the citizenship of naturalizing state. Such citizens are called as 'Naturalised Citizens'.

There are various ways of becoming a naturalized citizen. The important among them are:

1. Marriage: A woman becomes a naturalized citizen of her husband's country when she marries a foreigner.
2. Domicile: Fixed period of residence in a foreign country may entitle a person to become a naturalized citizen of that country.
3. Appointment in a foreign service: When an individual is appointed in the service of a foreign state, he may be granted the citizenship of that state.
4. Acquiring property in foreign country: If a person acquires property in a foreign country and wants to become a citizen of that country, he may be granted citizenship.

LOSING CITIZENSHIP

Just like acquiring, even citizenship might to lost in the following cases:

- a. when a woman marries a foreigner, she becomes a citizen of her husband's country and loses her original citizenship.
- b. when a person accepts a government job in a foreign country, he loses his citizenship of his mother country.
- c. any person who leaves his mother country and continues to live in a foreign country for a long period loses his citizenship of the mother country.
- d. In some countries, desertion from military services, acceptance of foreign decorations, convictions for serious crimes – all leads to the loss of citizenship.

If any citizen of India of full age and capacity, who is also a citizen or national of another country, makes in the prescribed manner a declaration renouncing his Indian citizenship; the declaration shall be registered by the prescribed authority, and upon such registration, that person shall cease to be a citizen of India. Provided that, if any such declaration is made during any war in which India may be engaged, registration thereof shall be withheld until the Central government otherwise directs. Where a person ceases to be a citizen of India every minor child of that person shall there upon cease to be a citizen of India, provided that any such child may, within one year after attaining full age, makes a declaration that he wishes to resume Indian citizenship and shall thereupon again become a citizen of India.

The Central government under section 10 of the Indian citizenship Act, 1955 deprives any citizen of Indian Citizenship if it is satisfied that

- a. the registration or certificate of naturalization was obtained by means of fraud, false representation, or concealment of any material fact; or
- b. that citizen has shown himself by act or speech to be disloyal or disaffected towards the Constitution of India as by law established; or
- c. that citizen has, during the war in which India may be engaged, unlawfully traded or communicated with an enemy or been engaged in or associated with, any business that was to his knowledge carried on in such manner as to assist any enemy in that war; or
- d. that citizen has, within five years after registration or naturalization, been sentenced in any country to imprisonment for a term of not less than two years; or
- e. That citizen has been ordinarily resident out of India for a continuous period of seven years, and during that period, has neither been at any time a student of any educational institution in a country outside India or in the service of a Government of India or of an International organization of which India is a member, nor registered annually in the prescribed manner at an Indian consulate his intention to retain his citizenship of India.
- f. The Central Government shall not deprive a person of citizenship unless it is satisfied that it is not conducive to the public good that person should continue to be a citizen of India.

Citizens of a state enjoys certain rights or privileges. It is the state, which recognizes and maintains these rights. In return the citizens are required to perform certain duties.

CONCLUSION

The term citizenship refers to the enjoyment of full membership of any community or state in which a citizen; enjoys civil and political rights. It can be defined as a legal relationship of an individual with a particular state which is expressed by pledging his loyalty towards state and by carrying out duties like paying taxes, serving in the army during need, respecting national principles and values etc.

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