



The National University of Advanced Legal Studies, Kochi

National Seminar on Citizenship and The Indian Constitution

5th - 7th March, 2020

Introduction

CAA and NRC are the most discussed terms for the past few months. Citizenship Amendment Act, 2019 has caused uproars throughout the country as the manner of providing citizenship has been widely criticised to be discriminative on the basis of religion. The proposal of nationwide National Register of Citizens updating exercise has been a cause of panic among people as the exercise may make them lose their citizenship if they are unable to provide the proof of citizenship. People view nationwide NRC updation as a threat to their citizenship because of the experience of Assam NRC updation which excluded around 1.9 million people and effectively making them stateless. Many of these excluded people are Indian citizens who were not able to prove their citizenship due to the lack of documents. The need for updating the NRC arises mainly due to migration of people from the neighbouring countries which impacts the demography of the area, the political, social and cultural rights of the citizens negatively. Such migration mainly arises due to a variety of factors including religious persecution, political persecution, poor economic conditions, environmental disasters etc. There is a need to analyse the citizenship laws in India along with rights of non-citizens. The non-citizens include refugees, stateless persons, migrants both legal and illegal. Touching upon the economic, social and political rights of the citizens due to migration is also the need of the hour.

Date – March 5th, 6th and 7th, 2020

Venue- Seminar Hall, National University of Advanced Legal Studies. Kochi

Participants : Teachers, Advocates, Research Scholars, PG and UG Students

Registration Fees : Teachers and Advocates - Rs 1000, Research Scholars/ Students – Rs 500

Objectives:

The intention of the seminar is to acquire an enhanced understanding on issues relating to citizenship seen due to the recent changes in the legal framework in India, including acquisition and retaining citizenship with special emphasis on the following themes.

1.NATIONALITY AND CITIZENSHIP UNDER INTERNATIONAL LAW.

The nationality of a person reveals his/her place of birth, i.e. from where he/she belongs. It defines the belongingness of a person to a particular nation. Citizenship is granted to an individual by the government of the country, when he/she complies with the legal formalities. It is the status of being a citizen of a country.

2.ISSUES OF NRC AND CITIZENSHIP.

NRC is an official account of those who are legal Indian citizens. It has been a matter of great controversy in the country after implementation in Assam and has created fear of statelessness in the people. The passing of CAA has set off protests across the country spreading fear that the legislation in conjunction with NRC will be used to deem minorities as “Illegal immigrants “

3.NATIONWIDE NRC AND ASSAM NRC.

National register for citizenship is an official record of those who are legal Indian citizens which includes the demographic about all individuals who qualify as citizens of India , the register was first prepared after 1951 census of India and since it has not been updated. The NRC updation in Assam has its roots in Assam accord of 1985 and the subsequent changes in the citizenship act and rules. The Assam accord was the result of 6 year violent protest over illegal migration and its impacts on the people of Assam. The nationwide NRC will face the issues such selection of the base year, proof of citizenships etc.

4. INTERCONNECTION BETWEEN THE CITIZENSHIP (AMENDMENT) ACT, 2019 AND NATIONAL REGISTER OF CITIZENS.

The contest of engineering an utopian state by the current Indian government has seen many twist and turns, with a large number of communities supporting CAA and NRC, there are those who fear to lose their identity just because they don't have a piece of paper, though the Government is adamant that it will be beneficial for the growth of the country. The chaos, confusion and consternation with regards to CAA and NRC have created a deadlock for the development of citizens as well as the state.

5. CONCEPT OF CITIZENSHIP UNDER INDIAN CONSTITUTION.

A Citizen is the one who had specific rights and obligations within the country or a state. For example, it is common for democracies to grant citizenship to all persons born within their jurisdiction. The constitution does not lay comprehensive provisions relating to citizenship on India. Article 5-11 under part II of constitution simply describes classes of persons deemed to be citizens of India at the time of commencement of constitution on 26th January 1950. The parliament had enacted the citizenship Act, 1955 which provides acquisition and loss of Indian citizenship.

6. INDIAN CITIZENSHIP AND JUDICIAL RESPONSE.

Supreme Court has managed to place itself in a politically divisive and legally uncomfortable position. NRC is looking less like a respectable legal closure to decades of immigration conflict and more like an unending tunnel threatening to spill over to the other states in a climate of increasing religious and ethnic polarization. The role of judiciary in deciding issues on citizenship is considered crucial and important.

7. NRC AND STATELESSNESS.

Citizenship and statelessness have never been so linked as they are today. The accounts of statelessness of minor, ignored, subjugated histories of discriminated population groups, borders, and informal labour markets across borderlands, and the untold origins of post-colonial citizenship. The division

between citizens and the stateless is thus of critical importance in the production of the national space. The national space emerges always as one of two kinds – either that of an inside, which is to say a house for citizens, or an outside, which is to say an anomalous space of outsiders. The game thus either interiorises or exteriorises the national space. This association of interiority with nation, life, security and development permeates not just classical theories of citizenship but our political life as a whole. If the preceding century was a century of partitions, this century may well become known as the century of stateless people.

8. CULTURAL, EDUCATIONAL, SOCIAL AND POLITICAL RIGHTS OF NON-CITIZENS.

We love to hail our freedom from the British. And imagine that the departure of the British also meant our transition to democracy. True, we gave ourselves a Constitution that offers everyone equality, liberty, rights of conscience, speech, profession and mobility, besides an opportunity to elect our leaders every five years, every adult possessing the right to vote. The nationwide protests against the Citizenship (Amendment) Act (CAA) and the National Register of Citizens (NRCNSE 2.22 %) force millions, who have been indifferent to politics, disdain for politicians apart, to squarely confront unresolved question relating to identity, citizenship, individual and group rights, including gender rights, and their role in creating substantive democracy.

9. INTERNALLY DISPLACED PERSONS (IDP), REFUGEES AND MIGRANTS.

Refugees are a person who has been forced to leave to leave their country in order to escape war, persecution or natural disaster. Internally displaced persons are those who have not crossed border in the wake of such incidents. Whereas migrants are those class of people who cross borders for economic and gains. The seminar aims to throw light to these concepts, its differentiation, factors influencing the cause, and effects of it, with reference to current situation in internationally and nationally.

10. PROOF OF CITIZENSHIP.

Recent additions in law such as inclusion of National Population Register & Citizenship Amendment Act have expanded the scope of the requirements necessary to avail proof of citizenship in India. These alterations in law opens up various important issues such as conflict and overlap of laws along with the already existing legal positions, Casual link/difference between these multiple laws, reasons for these new changes, how and who these laws effect, and whether the criterion under them are discriminatory etc.

11. CITIZENSHIP AND HUMAN RIGHTS INCLUDING THAT OF ETHNIC GROUPS

Citizenship is a state conferred status whereas human rights are internationally recognized inalienable rights. In the era of globalization, the legalization of citizenship of various sections of society mainly migrants, refugees, ethnic groups etc are in question. The states following the covenants on human rights cannot stick on to the language of human rights in treating their citizens equally.

CALL FOR RESEARCH PAPERS

- The abstract should not exceed 250 words, and must be accompanied by a cover page, stating the following- Sub-Theme(write “others” in case it is not mentioned in sub-theme); Title of the paper; Name of Author(s); Name of Institute/ Organization; Official Designation; E-mail Address; Postal Address and Contact Number.
- The Subject of the Mail should be “Abstract Submission for-Theme-Subtheme-name of the author” to the email **citizenshipnuals@gmail.com**. Details with respect to registration will be sent after short-listing of abstracts
- The submission can be in word or pdf format.
- Abstract shall be submitted on or before **12th February 2020**
- Selection of Abstract will be notified on **15th February 2020**
- After selection of abstract, the full paper shall be submitted on or before **23rd February 2020**. The full paper should be between 3000-4000 words, excluding footnotes.
Font Size- 12, Font- Times New Roman, Line spacing- 1.5, Footnotes- Bluebook 20th Edition, footnote size- 10, Line Spacing of footnotes- single.

Publication- Selected papers after peer review will be published in a book with ISBN Number. Copy of the book shall cost ₹ 500.

Accommodation and Food- Working Lunch and Refreshments will be served. No accommodation will be provided by the University.

SCHEDULE

Day 1 - Inauguration

Day 2 - Paper Presentation Chaired by Eminent Academicians

Day 3 - International Collegium - Dignitaries from various fields - journalists, politicians, academicians, lawyers & activists discussing and debating matters relating to citizenship in India

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