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## BOOK REVIEW 'CITIZENSHIP RIGHTS AND CONSTITUTIONAL LIMITS' AUTHORED BY DR. K.S. CHAUHAN<sup>1</sup>

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### ОГЛЯД КНИГИ "ПРАВА ГРОМАДЯНСТВА ТА КОНСТИТУЦІЙНІ ОБМЕЖЕННЯ" АВТОРА ДОКТОРА К.С. ЧАУХАН

АНОТАЦІЇ (ABSTRACTS), КЛЮЧОВІ СЛОВА (KEY WORDS)

A review of the monograph of Dr. K.S. Chauhan "Citizenship Rights and Constitutional Limits", in which the author explains the principles of law arising from the jurisprudence of fundamental citizenship rights in India, which is useful for the highest judiciary in dealing with citizenship issues.

**Key words:** review; monograph; citizenship rights; constitutional limits

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Надана рецензія монографії доктора К.С. Чаухан "Права громадянства та конституційні обмеження", в якій автор пояснює принципи права, що впливають із юриспруденційного встановлення основних прав громадянства в Індії, що корисно для вищої судової влади при вирішенні питань, пов'язаних з громадянством.

**Ключові слова:** рецензія; монографія; права громадянства; конституційні обмеження

The book 'Citizenship Rights and Constitutional Limits' authored by Dr. K.S. Chauhan, Advocate, Supreme Court of India would prove to be an honest master piece work in the years to come, in protection of citizenship rights of an individual particularly in the wake of debatable issue of CAA/NRC/NPR. Besides defining the citizenship in any legal regime, the author has very categorically endeavoured to explain the principles of law which follow behind jurisprudentially establishing basic citizenship rights viz right by birth on the soil (*Jus soli*); right of the blood (*Jus sanguine*); right by marriage (*Jus matriomii*). Dr. B.R. Ambedkar had been much concerned with social equality, where there should not be state sponsored and selective discrimination relating to enforcement of social rights including equal rights to females and socially marginalized groups. The principle of 'liberty,

equality and fraternity' was the battle cry of French Revolution. Justice- Social, economic and political has been the foundation of the Constitution of Indian Republic. So are the movements for enforcement of civil rights in different countries of the world.

The author has produced a deep and thought-provoking analysis about citizenship rights as enshrined in the Constitution of India by taking help of number of relevant case laws. It has been very authoritatively expressed by the author that 'citizenship has reference to the political status of a person and domicile to his civil rights. Nationality has reference to the *jural* relationship which may arise for consideration under international law. At the same time citizenship has reference to the *jural* relationship under municipal law.' The Constitution of India states that every person who has domicile in the territory of India shall be a citizen of India, if he is born in the territory of India, or either of whose parents was so born, or who has been ordinarily resident in the territory of India for not less than five years immediately preceding the com-

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mencement of the Constitution. The author has very minutely discussed about the concept of domicile with regard to citizenship rights, citizenship status on migration from Pakistan, or migration to Pakistan, Indian origin persons residing outside India and effects of acquisition of foreign citizenship etc.

In the book various statutory provisions of Citizenship Act 1955 are discussed by the author very exhaustively duly supported by relevant judicial pronouncements. The Act of 1955 was enacted by the Parliament of India with a view to achieve on the grass roots levels the very Constitutional objective of enforcement of citizenship rights of the individuals. If we minutely observe it would reveal that the Constitution of India visualizes for inclusive conferment of citizenship rights to its individuals rather than exclusion. If any initiatives taken by the governments denying citizenship rights based upon exclusions then undoubtedly it would absolutely be in complete derogation of Constitutional spirit as visualized by the makers of the Constitution.

The contents of the book are divided into various chapters, but an analysis about UDHR vis-a-vis statelessness, caste based social discriminations of SCs, STs and OBCs are based on well-knit in-depth study conducted by the author. The book has also touched very debatable and controversial issue of modern era with regard to recent Citizenship (Amendment) Act 2019 and a detailed description of maintaining of NRC and NPR. National debates on this issue among citizens politically,

apolitically, academically were in full swing had the outbreak of novel virus Covid-19 pandemic not been there. India seriously needs to resolve these citizenship issues in a most peaceful and healthy manner by upholding the secular fabric of nation so as to avoid any possibility of outbreak of civil conflict within the territory of India. The political monsters are already out with their malicious intent to fuel and exploit the burning sentiments of its citizens.

The author has very logically concluded by quoting the Supreme Court in *S.R. Chaudhary Vs State of Punjab* that 'Constitutional provisions are required to be understood and interpreted with an object-oriented approach. A Constitution must not be construed in a narrow and pedantic sense.' The provisions of the Constitution are required to be interpreted keeping in view the will of the makers of the Constitution. In *Col. A.S. Iyer Vs Balasubramanyam* on the doctrine of classification it has been observed that this tendency is an elitist society with diehard caste mentality is a disservice to our founding faith, even if judicially sanctified. Equality is an antithesis of arbitrariness.'

I fully trust that this well-deserved and well-timed piece of work by Dr. K. S. Chauhan on burning citizenship issues in India today, would be of much help to the top judiciary while deciding the citizenship related matters arising out of CAA/NRC/NPR, in a most just and fair manner. The judgments would prove to be landmarks one not only in judicial arena but political arena as well.

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