



Provincial Citizenship

Source: TH

Why in News?

The term “**provincial citizenship**” is gaining traction in academic and policy debates, especially in light of domicile policies in States like Jharkhand, Jammu and Kashmir (J&K), and Assam.

Its ascendancy signals a shift toward more exclusionary, nativist politics that may contest the **constitutional ideal of a singular, equal Indian citizenship**.

What is Provincial Citizenship?

- **About:** Provincial Citizenship is an unofficial, politically constructed notion of belonging to a **specific Indian state**. It emerges from nativist politics, tied to the idea of being “native,” “indigenous,” “local,” or “son of the soil.”
 - It is **not part of the Constitution**, but is used in politics to give **special rights to “locals”**. This challenges the constitutional guarantee of a singular Indian citizenship under [Articles 5-11](#).
- **Reasons Behind Rise in Provincial Citizenship Demand:**
 - **Economic Competition:** Locals fear that migrants take away jobs and access to resources. Provincial Citizenship offers recognition to historically excluded communities and counters demographic pressure from large-scale migration.
 - **Cultural Anxiety:** Migration brings perceived threats to language, tradition, and cultural homogeneity.
 - Provincial Citizenship aims to safeguard the culture, and land of indigenous groups.
 - **Political Vacuum:** **There is no central law to regulate State-level domicile rules or to ensure uniformity in domicile policies across States.**
- **Judicial and Policy Safeguards:**
 - **Supreme Court Interventions:**
 - In ***Sunanda Reddy v. State of Andhra Pradesh (1995)***, the court struck down 100% reservation for domiciles in postgraduate medical courses, emphasizing that reservations should not compromise merit and efficiency.
 - In ***Dr. Pradeep Jain v. Union of India (1984)***, the SC ruled that reservations based on place of birth or residence are prima facie unconstitutional under [Article 16\(2\)](#).
 - **States Reorganisation Commission (SRC) (1955):** Noted that domicile exclusions erode national unity.
 - The constitutional framework currently sees citizenship as **singular and national**, regulated by the Citizenship Act, with non-discrimination and mobility guarantees in fundamental rights.

| Aspect | National Citizenship | Provincial Citizenship |
|---------------|--|--|
| Legal Status | Constitutionally defined under Articles 5-11 | Not legally recognized; a political and social construct |
| Governing Law | Citizenship Act, 1955 | No formal law; based on State- |

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| | | level political practices |
| Scope | Applies uniformly across India | Applies within specific States |
| Rights Guaranteed | Equal rights to reside, work, and access public services | Prioritizes locals; may restrict access for internal migrants |
| Constitutional Backing | Supported by fundamental rights (Art. 14, 15, 16, 19) | Often contradicts fundamental rights. |
| Basis of Identity | Indian nationality | State-level identity (e.g., local, native, son of the soil) |
| Federalism Impact | Strengthens integration through uniform citizenship | Boosts State autonomy, but strains Centre-State balance |



Citizenship

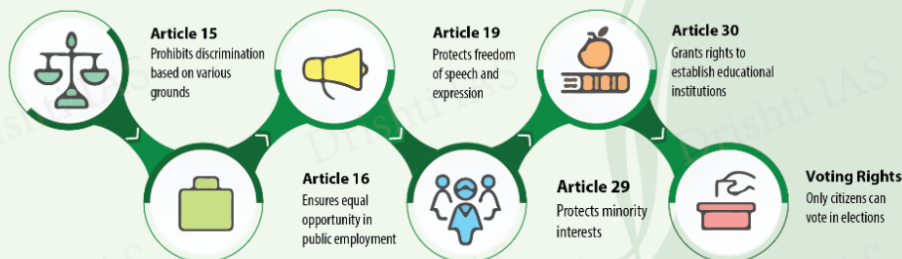
Citizenship is the legal recognition of an individual as a member of a state, granting rights and privileges, and requiring allegiance. In India, it defines who holds these rights and follows citizenship laws.

Constitutional Provisions Related to Citizenship

Articles 5 to 11 of the Indian Constitution deal with citizenship provisions, specifically outlining who became citizens at the commencement of the Constitution (January 26, 1950).



Rights Available Only to Citizens of India



Citizenship Act, 1955

- **Acquisition and Loss:** This Act outlines:
 - Ways to acquire Indian citizenship:
 - Birth
 - Descent
 - Registration
 - Naturalization
 - Incorporation of territory
 - Conditions under which citizenship can be lost:
 - Renunciation
 - Termination
 - Deprivation
- **Amended 6 Times (since 1986):** 1986, 1992, 2003, 2005, 2015, and 2019

Citizenship Amendment Act, 2019:

- ◆ **Eligibility:** Grants citizenship to six communities (Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians) from **Pakistan, Afghanistan, and Bangladesh** who entered India on or before **31st December 2014**.
- ◆ **Exemptions from Legal Punishments:** The Act exempts these communities from prosecution under the **Foreigners Act, 1946** and the **Passport Act, 1920** for illegal entry or overstaying in India, thereby providing them with a pathway to **citizenship without facing legal consequences**.



What are the Concerns Associated with Provincial Citizenship in India?

- **Fragmentation of Citizenship:** Undermines the idea of one equal Indian citizenship by creating layered identities.
- **Constitutional Tensions:** As noted by SRC, 1955, domicile-based rules restrict jobs, education, and welfare, conflicting with Articles 14 (equality), 15 (no discrimination), 16 (equal opportunity in public employment), and 19 (freedom of movement and residence).
- **Exclusion of Migrants:** Internal migrants struggle to access jobs, housing, education, and welfare in host States.
- **Rise of Nativist Politics:** Encourages “sons of the soil” movements, outsider hostility, and regionalism.
- **Judicial Burden:** Courts face a flood of litigation over domicile and reservation policies, further **burdening the already overburdened judiciary**.
- **Economic Slowdown:** Restricting migrant labour reduces workforce mobility, affecting productivity and urban economies.

What Reforms are Needed to Balance State Autonomy with National Citizenship?

- **Parliamentary Legislation on Domicile:** SRC 1955 recommended that domicile rules should be replaced by appropriate Parliamentary legislation. This ensures States to not override [fundamental rights](#) or restrict core national citizenship entitlements.
- **Strengthen Migrant Protections:** Expand portability of welfare benefits beyond food ([One Nation One Ration Card](#)) to healthcare, education, housing, and employment.
 - Ensure internal migrants enjoy equal rights irrespective of their State of residence through initiatives like [e-Shram portal](#) which enables social security for unorganised workers.
- **Balanced Federalism:** Allow States limited scope for residence-based benefits and prevent States from denying core rights under Articles 14, 15, 16, and 19.
- **Election Commission Oversight:** Regulate “sons of the soil” electoral campaigns to prevent xenophobic politics. Integrate inclusive safeguards into party recognition and funding rules.
- **Public Awareness & Inclusion:** Launch campaigns highlighting migrants’ contribution to urban economies. Counter xenophobia and promote social integration.

Conclusion

Provincial citizenship may serve local insecurities but **risks fragmenting India’s unity, equality, and fraternity**. Guided by the **Constitution and SDG 10 (Reduced Inequalities)**, India must reaffirm the principle of **one nation, one citizenship**, protecting diversity while ensuring inclusivity for all citizens, regardless of where they come from.

Drishti Mains Question:

Q. Evaluate the concept of provincial citizenship in India and discuss its implications for national unity and equality under the Constitution.

Frequently Asked Questions (FAQs)

What is Provincial Citizenship?

Ans: It is an unofficial, politically constructed notion of belonging to a specific Indian state. It emerges from nativist politics, tied to the idea of being “native,” “indigenous,” “local,” or “son of the soil.”

How does Provincial Citizenship differ from National Citizenship in India?

Ans: National Citizenship is **constitutionally guaranteed under Articles 5-11** with uniform rights across India, while Provincial Citizenship is an **unofficial, domicile-based construct** privileging locals within States.

Which Constitutional provisions are violated by domicile-based policies?

Ans: Domicile rules often conflict with **Articles 14, 15, 16, and 19**, which guarantee equality, non-discrimination, equal employment opportunities, and freedom of movement.

Why are States increasingly adopting Provincial Citizenship policies?

Ans: Driven by **economic competition for jobs, cultural anxieties over migration**, and a **lack of central law on domicile**, States use it as a tool for **nativist and electoral politics**.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Prelims

Q. With reference to India, consider the following statements: (2021)

1. There is only one citizenship and one domicile.
2. A citizen by birth only can become the Head of State.
3. A foreigner once granted citizenship cannot be deprived of it under any circumstances.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) 1 and 3
- (d) 2 and 3

Ans: (a)