

WE THE PEOPLE OF INDIA

By Dixit Parakh⁴⁶³

INTRODUCTION

The Preamble of the Constitution of India starts from WE THE PEOPLE OF INDIA⁴⁶⁴, emphasis exclusively on the citizen of India. The Preamble is considered as the core of the Constitution of India and gives us the glimpse of the guiding purpose and principles of the same. The phrase “we the people” laid down by J.J. Rousseau, emphasizes the concept of popular sovereignty, meaning that “all the powers emanates from the people of India and the political system will be accountable and responsible to the people of India”⁴⁶⁵. It formulates that the Constitution and its powers are mainly conferred to the people of India and does, by the virtue of the same; the powers enumerated in the Constitution are for the people of India. Though some of the articles in the Constitution do provide the powers to aliens, though they govern the concept of humanity and harmony. We see, the Constitution of India is constituted in keeping all the aspects of the human society and works for the betterment of the same. The Preamble says that we, i.e. The People of India, enact, adopt and give ourselves this Constitution, which conferred the powers to the people of India.

Part II of the Constitution of India talks about the Citizenship. This part deals with several categories of the Citizenship at the commencement of the Constitution. The legislation related to this matter is The Citizenship Act, 1955, which was enacted in the year 1955, i.e. the sixth year of the Republic of India (published in the Gazette of India on Dec, 30, 1955). By the virtue of Citizenship, a person enjoys full membership of the political community.

Part II consists of six (6) articles, governing the concept of citizenship in details. With Citizenship Act, 1955 and the case laws, the concept of Citizenship has elaborated discussed in the Indian judiciary and any confusion arises due to material facts and circumstances have been scrutinize and Justice is laid down. Citizenship Act, 1955 contains a total of nineteen (19) sections. These sections discussed the concept of citizenship with a point of view of legislation. Part II of the

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⁴⁶⁴ Gopal Sankaranarayan, The Constitution of India, (15th Edn, 2012)

⁴⁶⁵ < <http://www.iasaspirants.com/2013/09/preamble-to-the-constitution-of-india/> >

Constitution of India when read with the said act provides flamboyant and promulgated guidelines for the Citizenship of India. The other acts, such as Foreigners Act, 1946 and the Passport Act, 1967 also provides the necessary material for indulgence in the concept of Citizenship. The Concept of Citizenship is like a pillar, where the Constitution of India and the Citizenship Act are the mechanism for the base and the case laws is a top architect laid down firmly on the said base.

There can be no Democracy without Citizenship.

- Ralph Nader

PART II OF THE CONSTITUTION OF INDIA

Part II of the Constitution of India consists of seven (7) Articles, constitutes elaborately the concept of Citizenship. Article 5 to article 10 have become of historical interest, whereas Article 11 have relevance for the future. Article 11 provides exclusive and absolute powers to Parliament to deal with matters concerning the Citizenship in India. Further down these Articles will be dealt in details.

- Article 5 – Citizenship at the commencement of the Constitution.

This article states that at the commencement of the Constitution, every person who has his domicile in the territory in India and

- a) Who has born in the territory of India; or
- b) Either of whose parents was born in the territory of India; or
- c) Ordinarily resident in the territory of India for not less than five (5) years immediately preceding such commencement.

is the citizen of India.

This Article has a broad concept of Domicile⁴⁶⁶, which is an essential feature for the Citizenship or for acquiring the Citizenship. It is important to note that between the time of commencement of Constitution and the Citizenship Act, 1955, the decisions regarding the Citizenship is dealt under Article 5 of the Constitution of India⁴⁶⁷.

⁴⁶⁶ D.P. Joshi v. State of M.B., AIR 1955 SC 334

⁴⁶⁷ State of Andhra Pradesh v. Abdul Khader, AIR 1961 SC 1467

Article 5 distinguished domicile into two broad categories, namely Domicile of Origin and Domicile of Choice. Though domicile is not defined in the Constitution, it is an essential ingredient for acquiring Citizenship. The main contention of this article is that any person who has the domicile in the territory of India can acquire Citizenship, and fulfil any one of the pre-requisite condition mentioned above.

THE CONCEPT OF DOMICILE

The Constitution of India does not provide any definition of Domicile, though it is clearly laid down by the legislation, where in different facts and circumstances, the definition of Domicile is being provided. The constitution recognizes only one Domicile namely, the Domicile of India.⁴⁶⁸ Ordinarily it means a permanent house where an individual resides with an intention to reside there for an indefinite period.⁴⁶⁹ The domicile of a person means big permanent house and is sometimes used in the sense of residence. A Domicile is acquired in that part of the state where the individual resides.⁴⁷⁰ The term Domicile does not admit of an absolute term. The simplest definition of Domicile is “that place is properly the domicile of a person in which his habitation is fixed without any present intention of removing thereof.”⁴⁷¹

The concept of Domicile is categorized into two parts, namely Domicile of Origin and Domicile of Choice. These two categories discussed the issue of Domicile in more elaborated manner and provide the guideline for implementation of Concept of Domicile.

Domicile of Origin – Every person born in the territory of India has the domicile of Origin and received at the time of his birth. The Domicile of Origin was determined by the Domicile at the time of the child’s birth, of that person upon whom he is legally dependent. A legitimate child born in wedlock to a loving father receives the Domicile of the father at the time of his birth.⁴⁷² In case of a posthumous child, the Domicile will be that of the country in which his father was domiciled at the time of his Father’s death.⁴⁷³ In case of marriages, a woman acquires the Domicile of her

State of Uttar Pradesh v. Rehmatullah, AIR 1971 SC 1382

Wahid Mian Hiddan Mian v. State, AIR 1961 All 111

⁴⁶⁸ Dr. Pradeep Jain v. Union of India & Ors., AIR 1984 SC 1420

⁴⁶⁹ Mohd. Reza Debstani v. State of Bombay, AIR 1966 SC 1436

⁴⁷⁰ *Supra* Note 3

⁴⁷¹ Central Bank of India v. Ram Narin, AIR 1955 SC 36

⁴⁷² Kedar Pandey v. Narain Bikram Shah, AIR 1966 SC 160

⁴⁷³ Shukla, V.N, Constitution of India (12th Edn., 2013)

husband if she did not have the same domicile before, but the same is not applicable if they are separated by the award of the competent court.⁴⁷⁴ It is firmly established in the landmark judgement⁴⁷⁵ that domicile indicates the civil rights of an individual and that a persons' domicile of origin is the domicile of his birth and not of his place of birth. Thus, it can be concluded that the Domicile of Origin cannot be acquired, but is attested to an individual till the time he deserts it, but can be revived back once the person lost his Domicile of Choice.⁴⁷⁶

Domicile of Choice – For acquiring the Domicile of Choice, the person has to fulfil two necessary conditions, i.e. (1) Actual residence in the first place, and (2) intention to remain there permanently or for an indefinite period. The essential ingredient required for that is *animus manendi*, meaning the state of mind having formed the fixed intention to make his place of residence or settlement for an indefinite period.⁴⁷⁷ Therefore, to constitute for the Domicile of Choice, a person has to bear an intention to reside there for an indefinite period. Residence alone is insufficient evidence to establish an acquisition of domicile; there also has to be proof that residence in a country was with the intention of making it the person's home⁴⁷⁸, and the intention should be of permanent residence.⁴⁷⁹ It is important to note that the intention to reside in any country and the time for that may vary with the nature of the inquiry; it may be past or present. The criterion to prove the intention is indeed very difficult, in order to prove the requisite intention in the court of law, many elements have to be taken into consideration, such as the taste, habit, conduct, actions, ambitions, health, hopes, project, aspirations, whims, prejudices, and financial expatiations all must be taken into account, because they all are considered to be a key to his intention.⁴⁸⁰ A person acquiring the domicile of choice must show a fixed and settled purpose of residing permanently or for an indefinite time in the country where he seeks to acquire the new domicile and the onus to prove the same resides on the individual himself.⁴⁸¹

DOMICILE AND CITIZENSHIP

⁴⁷⁴ Satya v. Teja, AIR 1975 SC 105

⁴⁷⁵ *Supra* Note 3

⁴⁷⁶ A.H. Magermans v. S.K. Ghosh, AIR 1966 Cal 552

⁴⁷⁷ *Supra* Note 10

⁴⁷⁸ *Supra* Note 6

⁴⁷⁹ Louis De Raedt v. Union of India., AIR 1991 SC 1886

⁴⁸⁰ Sankaran Govindan v. Lakshmi Bharati & ors., AIR 1974 SC 1764

⁴⁸¹ S.P. Ghose v. Deputy Controller, R.B.I., AIR 1964 Cal 442

The Constitution of India guarantees the citizenship of India, if an individual possesses the domicile in the territory of India, or by acquisition under the manner prescribed by the governing authority. Domicile is one of the silent features for acquiring citizenship; they both are different from each other and mere acquiring the domicile does not guarantee or constitutes citizenship. The individual may possess the domicile, but it does not guarantee citizenship and vice versa. Domicile implies connection with territory, not membership of community which is at the root of the notion of citizenship or nationality.⁴⁸² Citizenship has reference to the political status of a person and domicile to his civil rights.⁴⁸³

The seventh schedule of the Constitution of India governs about the concept of the list. The schedule enumerates three (3) lists consists of matters, where the central or the state authority has powers upon. The lists, namely, the Union List, consisting of matters where the central government has authority to decide, the State List has matters on which the state government has the authority and lastly the Concurrent List, where both the central and the state government has authority to decide. Admission on the basis of Domicile, comes under the state list, as the matters relating to education is governed by the State government and thus the use of the word “Domicile” for admission in educational institutes signifies only “the idea of intention to reside permanently or indefinitely” and “not in the technical sense in which it is used in private international law”.⁴⁸⁴

Article 6 – Rights of citizenship of certain persons who have migrated to India from Pakistan.

Notwithstanding anything in Article 5, a person who has migrated in the territory of India now included in Pakistan shall be deemed to be a citizen of India at the commencement of this Constitution if-

- (a) He or either of his parents or grandparents was born in India as defined in the Government of India Act, 1935 (as originally enacted); and
- (b) (i) In the case where such person has so migrated before the 19th day of July 1948, he has been ordinarily resident in the territory of India since the date of his migration, or
(ii) In case where such person has so migrated on or after the 19th day of July 1948, he has been registered as a citizen of India by an officer appointed in that behalf by the

⁴⁸² *Supra* Note 10

⁴⁸³ *Supra* Note 3

⁴⁸⁴ *Supra* Note 3

Government of Dominion of India on an application made by him therefor to such officer before the commencement of his Constitution in the form and manner prescribed by that Government:

Provided that no person shall be registered unless he has been resident in the territory of India for at least 6 months immediately preceding the date of his application.

This Article deals with the migration of people from Pakistan to India and lays down special criteria for deciding who shall be deemed to be a citizen of India. The Article starts with a non-obstante clause defines that in the matter concerning the citizenship of an individual migrated from Pakistan, Article 5 is not applicable. The Article enumerated the word Migration, which has significant importance and thus need to be scrutinized. The word Migration⁴⁸⁵ is capable of two (2) meanings; namely-

1) Narrower Connotation, and (2) Wider Connotation

Narrower Connotation means going from one place to another with the intention of residing permanently in the latter place, while, Wider Connotation means going from one place to another whether or not with the intention of permanent residence in the latter phase.

It is vital to notice that in both the Articles i.e. Article 6 and Article 7, which thoroughly elaborated the concept of citizenship, where migration to the territory of India and to the Pakistan respectively, took place. In both the Articles, the interpretation of the word Migration has taken Wider Connotation⁴⁸⁶. This is because, in both the meanings, the only difference lies is about intention, and Wider Connotation is considered because at the time of partition people moved without forming any definite intention.

The question of why the Narrower Connotation does not adopt and why the Wider Connotation was, is given by the Constitution makers, who aptly stated that, the partition cause men's minds in a state of flux. They were completely unhinged and unbalanced and there was hardly any occasion to form the requisite intention for acquiring domicile in one place or another. That is why; Domicile is not a part of both Article 6 and Article 7.⁴⁸⁷ The honourable court of law also stated

⁴⁸⁵ Kulathil Mammu v. State of Kerala, AIR 1966 SC 1614

⁴⁸⁶ Ibid

⁴⁸⁷ Supra Note 22

in the same landmark judgement that, if such person is major or minor, would be covered by Article 6 and Article 7, respectively.

Article 7 – Rights of Citizenship of certain migrants to Pakistan.

Notwithstanding anything under Article 5 and 6, a person who has after the first day of March 1947, migrated from the territory of India to the territory now included in Pakistan shall not be deemed to be a citizen of India:

Providing that nothing in this article shall apply to a person who, after having so migrated to the territory now included in Pakistan, has returned to the territory of India under a permit for resettlement or permanent return, issued by the authority of any law and every such person shall for the purpose of clause (b) of Article 6 be deemed to have migrated to the territory of India after the 19th day of July 1948.

Article 7 also starts with a non-obstante clause, stating that Article 5 and Article 6 do not stand for those individuals who migrated to Pakistan after 01st March, 1947. This Article deals specially with the migration of population from the territory of India to Pakistan and lays down the criteria for deciding who shall not be deemed to be such citizen. The concept of migration in this Article follows as same as in Article 6 and is discussed above.

Article 6, Article 7 and the Concept of Citizenship.

Both these articles play a significant role in the concept of Citizenship. The articles starting from the non-obstante clause provides the guideline that Article 5 does not have any significance as far as migration is concerned. It is very critical to maintain and follow the guidelines when partition took place and where the country suffers great loss because of the flamboyant chaotic situation and was on verge of war. Before the legislative powers enacted in 1955, i.e. The Citizenship Act, 1955, it was very dark to provide light for who shall be considered the citizen of the nation and who shall not. In between the time, Article 6 and Article 7, with the help of decisions of the honourable court of justice, provides the guideline.

As mentioned earlier that the concept of Domicile does not apply to these articles, so the issue of Residence does not appear. The use of the word “migrated” in Article 6 and Article 7 do not require an intention to reside permanently, but merely ought to be voluntary and for a special purpose.⁴⁸⁸

Under Article 6, a person who has migrated from Pakistan to India before the commencement of the Constitution, are classified into two categories, namely (1) those who came to India before 19th July 1948, and (2) those who came on or after 19th July 1948.

For the person falling in first category has to fulfil two necessary conditions: -

- He or either his parents or grandparents was born in India as defined in the Government of India Act, 1935; and
- He has been ordinarily residing in India since the date of his migration.⁴⁸⁹

For the person falling in second category has to fulfil the requisite conditions: -

- He or either his parents or any of his grandparents was born in India as defined in the Government of India Act, 1935;
- He must make an application for citizenship;
- He must prove that he resided in India for six months; and
- He must be registered⁴⁹⁰ as a citizen by an officer appointed either by the Government of India under the Act of 1935 or the Union Government under the present Constitution.⁴⁹¹

If the above said conditions are fulfilled, the person shall be deemed to be a citizen of India.

Starting with the non-obstante clause, the constitution makers clearly guide that individual falling under the category of Article 6, does not have any impression of Article 5 what so ever. It is clearly talking about migration at the time of partition, and thus follows the concept of migration, as mentioned earlier.

Under Article 6, an exception is made in favour of a person who has returned to India on the basis of a permit for resettlement in India. Such a person is entitled to become a citizen of India, if he

⁴⁸⁸ *Supra* Note 1

⁴⁸⁹ *Supra* Note 10 (page no. 18)

⁴⁹⁰ Certificate of Registration cannot be cancelled unless fraud, false representation or suppression of material fact exists.

⁴⁹¹ *Supra* Note 10 (page no.)

fulfils all other conditions necessary for immigrants from Pakistan after 19th July 1948.⁴⁹² As far as granting citizenship is concerned, after fulfilling the above criteria, Parliament has sole power to do so. No court of law has the jurisdiction of ascertaining who is a citizen and who is not, the authority lies to only Parliament⁴⁹³. Also in October, 1948, the permit system came into existence, so no one from Pakistan was allowed to come back to India without a permit.⁴⁹⁴⁴⁹⁵

Article 7 overrides both Article 5 and 6, as it talks about migration after 01st March 1947. Individual falling under the category of Article 7, cannot claim citizenship under Article 5 and 6, and the only exception provides to those who had apply of resettlement and permanent residence shall be deemed to be migrated after 19th July 1948, under Article 6 (b). The honourable court of justice said that, no such intention was necessary and that migration under Article 7 means the physical act of going from India to Pakistan and if any person did so whether he was a major or minor he would be covered by Article 7.⁴⁹⁶

Article 7 also has a stand in the ambit of Article 9, which states about the person acquiring the citizenship of another country voluntarily. The question of a certain person, who has voluntarily accepted the passport of Pakistan and now wishes to return back, in those cases Article 7, goes hand in hand with Article 9. Article 7 deciphered migration one before 26th Jan 1950, i.e. between the time of 01st March 1947 and 26th Jan 1950 and Article 9 as migration after 26th Jan 1950.⁴⁹⁷ Also, acquiring a foreign passport is not a conclusive proof that the individual has voluntarily acquired citizenship of a foreign national (where the dispute involves only Pakistani citizenship).⁴⁹⁸ For matters related to other countries, acquiring passport is conclusive proof of adoption of foreign citizenship.

It is necessary to mention that those people who were convicted for overstaying in India on a Pakistani Passport and Indian visa in 1955 was valid, because at that time Citizenship Act, 1955 does not exist; status had to be determined with reference to Art. 5. The Honourable Court of

⁴⁹² *Supra* Note 10 (page no. 19)

⁴⁹³ *Supra* Note 4

⁴⁹⁴ Fazal Dad Alias Sardar Khan Fateh v. State of M.P., AIR 1964 M.P. 272

⁴⁹⁵ Ebrahim Vazir Mavat v. State of Bombay., AIR 1954 SC 229

⁴⁹⁶ *Supra* Note 22

⁴⁹⁷ *Supra* Note 4

Supra Note 22

⁴⁹⁸ State of U.P. v. Rehmatullah, AIR 1971 SC 1382

Govt. of Andhra Pradesh v. Syed Mohd. Khan, AIR 1962 SC 1778

Justice stated that the individual continued to be a citizen, till the Central Govt. decided that he had lost his Indian citizenship.⁴⁹⁹

Article 8 – Rights of Citizenship of certain persons of Indian Origin residing outside India

Notwithstanding anything under Article 5, any person who or either of whose parents or any of whose grand-parents was born in India as defined in the Govt. of India Act, 1935 (originally enacted), and who is ordinarily residing in any country outside India as so defined shall be deemed to be a citizen of India if he has been registered as a citizen of India by the diplomatic or consular representatives of India in the country where he is for a time being residing on an application made by him therefore to such diplomatic or consular representation, whether before or after the commencement of the Constitution, in the form and manner prescribed by the Government of the Dominion of India or the Government of India.

Starting with a non-obstante clause referring that, Article 5 does not have any ambit in virtue of Article 8. This Article is applicable to those individuals who have no Indian Domicile, but are citizens, if certain conditions are fulfilled. Thus, as Article 6 and 7, Article 8 also excludes the Concept of Domicile.⁵⁰⁰ Under this Article, citizenship can only be achieved by him if he is registered as the citizen of India by the diplomatic or consular representatives of India. Section 7A to Section 7D of the Citizenship Act, 1955 elaborately discussed the concept of overseas citizenship. Section 7A talks about registration of overseas citizens of India, with mentioning the criteria for application, Section 7B states the conferment of the rights of the same, Section 7C and 7D provide guideline for Renunciation and Cancellation of registration of overseas citizens, respectively.

This Legislative Act has also the governing of the Central Government, as under Section 7A, it is clearly mentioned that no such individual shall be granted overseas citizenship, which is or had been the citizen of Pakistan, Bangladesh or any such other country as under the authority of Central Government. Also under Section 9(2), it is stated that any question regarded when or how any individual had acquired the citizenship of a foreign country, shall be determined by such authority.⁵⁰¹

⁴⁹⁹ State of Andhra Pradesh v. Abdul Khader., AIR 1961 SC 1467

⁵⁰⁰ *Supra* Note 22

⁵⁰¹ The Citizenship Act, 1955

- **Article 9** – Person voluntarily acquired Citizenship of a foreign State not to be citizens.

No person shall be a citizen of India by virtue of Article 5, or deemed to be a citizen of India by virtue of Article 6 or Article 8, if he has voluntarily acquired the citizenship of any foreign state.

Both Article 9 and section 8 and section 9 deal with termination of citizenship of India, voluntarily. Section 8 and section 9 deals with Renunciation of Citizenship and termination of citizenship, respectively and Section 10 about the deprivation of the citizenship. The Central Govt. has the authority to decide the question of voluntarily acquisition of citizenship of a foreign country arising under Sec. 9(2). No other court or authority has the power to decide the question⁵⁰², but an individual remains the citizen of India, until the Central Govt. makes the decision regarding acquiring of foreign citizenship.⁵⁰³ Section 9 is considered as the comprehensive code in regards to termination of citizenship and acquiring of the foreign national.⁵⁰⁴ Though Section 9 debar the court from trying the issue whether an Indian citizen has acquired the citizenship of another country, but the section does not bar the court from considering whether the individual concerned ever became the citizen.⁵⁰⁵ Also, by the virtue of Section 9, acquiring the passport of a foreign national does not amount to cessed of citizenship of India.⁵⁰⁶

As far as residence is concerned, an individual once give up his citizenship, cannot claim the right of residence on the basis of his domicile.⁵⁰⁷ As per Honourable Justice P Gajendragakar, “Section 9 does not lead to unguided power to the Parliament, because it gives the govt. the power to provide an authority to decide the question whether a person has acquired foreign citizenship, it really gives no power but only empower the govt. to constitute an authority for deciding a question which the section itself requires.”⁵⁰⁸

Not only Section 9, but also Section 3, Foreigner Act, 1946, authorises the Central Govt. to make provision with the respect to foreigner for among other matter, their continued presence in India, and their departure from India, and Section 3, The Indian Passport Act, 1967, empowers the Central Govt., to make rules requiring that person entering India shall be in a possession in

⁵⁰² Rule 90, Citizenship Rules, 1956

⁵⁰³ Bhagwati Prasad Dixit v. Rajeev Gandhi, AIR 1986 SC 1534

⁵⁰⁴ Abdul Satter Haji Ibrahim Patel v. State of Gujarat, AIR 1965 SC 810

⁵⁰⁵ Ali Ahmed v. Electoral Registration Officer, AIR 1965 Cal 1

⁵⁰⁶ *Supra* Note 31

⁵⁰⁷ *Supra* Note 13

⁵⁰⁸ Izhar Ahmad Khan v. Union of India, AIR 1962 SC 1052

passport, and for all ancillary and incidental matters, and confers power to arrest any person who contravenes any provision of it or of a rule made thereunder and to remove him from India.⁵⁰⁹

Certain criteria have been laid down for the individual, who has been deprived (Section 10, Citizenship Act, 1955) of citizenship, such as certificate of naturalization obtained by fraud, false representation, or concealment of any fact, or unlawfully traded or communicated with an enemy, being disloyal towards the Constitution of India. Thus, it can be said that the Central Govt. has the sole authority in regards with the decisions of Citizenship.

- **Article 10** – Continuance of the rights of Citizenship.

Every person who is or is deemed to be a citizen of India under any of the foregoing provisions of this part shall, subject to the provisions of any law that may be made by Parliament, continue to be such citizen.

It is very clear that under Article 10, Parliament can only destroy the rights of citizenship by an express enactment, which ought to be made for the purpose, and cannot be taken away indirectly. Article 10 guarantees the continuance of the rights of citizenship and provides that every person who is or is deemed to be a citizen of India under any of the foregoing provisions; but this guarantee is subject to the important conditions that it would be governed by the provisions of any law made by Parliament only.⁵¹⁰ Proviso introduced by Article 10, clearly states that Parliament has the power to affect the continuance of the rights of citizenship subject to its terms, concluding that Parliament has the supreme authority, as mentioned under Article 11.⁵¹¹

- **Article 11** – Parliament to regulate the rights of citizenship by law

Nothing in the foregoing provisions of this part shall derogate from the power of Parliament to make any provision with respect to the acquisition and termination of citizenship and all other matter relating to citizenship.

The main objective of this Article is to consider the fact that, notwithstanding anything, Parliament has the absolute powers in matters regarding citizenship. Parliament has the ultimate powers to make any provision in matters related to citizenship, naturalization or termination. Under Article

⁵⁰⁹ *Supra* Note 4

⁵¹⁰ *Supra* Note 42

⁵¹¹ *Ibid*

11, it is also cleared by the constitution makers that status of the citizenship is not a fundamental right.⁵¹²

FUNDAMENTAL RIGHTS AND THE CITIZENSHIP

Fundamental Rights, as conferred in Part III of the Constitution of India, comprising of a total of 30 Articles. Out of those 30 articles, 4 articles, i.e. Article 14, 20, 21 and 25 applies to any individual on the Indian soil; whereas Article 15, 16, 19 and 30 are expressly applied to the citizens of India only.

The Fundamental Right, if infringed, can be brought in the court of law, in the form of writ, as per Article 32 (Supreme Court) and Article 226 (High Court). Fundamental Rights includes a significant amount of rights and privileges (Constitutional), this includes the right of equality (Article 16), right of speech (Article 19), which includes certain aspects, such as freedom of speech and expression, peaceful assembly, to form associations and unions, to move freely throughout the country and to reside or settle anywhere in the country, and lastly to practise any profession or trade and business throughout the country.

CONCLUDING REMARKS

The test of Good Citizenship is loyalty to country.

- Brainbridge Cloby

For the betterment of the country, such as India, the world's largest democracy, its citizens due makes an effective contribution in the development of the country. The Right to Vote, as conferred in Article 326, which states that every citizen of India, and who is above 18 years of age, has the Constitutional Right to vote. Thus the Right to Vote, provided by the Constitution of India, understands the true implication of the value of Vote in India.

To be a part of this world's largest democracy, it's been a pleasure and more over to contribute to the development and enhancement of the Country. Being a citizen of India, the Constitution provides a flamboyant set of rights and privileges, for its own people, to help them overcome the

⁵¹² Ibid

corruption and contravention of law. A country, which is governed by the people, and for the people.

