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CONSTITUTIONAL AND JUDICIAL PERSPECTIVES ON IMMIGRATION AND CITIZENSHIP LAW IN INDIA

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ABSTRACT

This paper examines the constitutional foundations and judicial interpretations of immigration and citizenship laws in India. It analyses constitutional debates especially the role of Dr. B.R. Ambedkar and other framers post-constitutional enactments like the Citizenship Act 1955 and its amendments, and significant judicial pronouncements, including In Re: Section 6A of the Citizenship Act (2025). Emphasis is placed on constitutional principles such as equality, fraternity, and legislative competence, and on how courts reconcile individual rights with state sovereignty in immigration policy. The paper situates Indian developments within broader comparative and international legal contexts on citizenship and statelessness.

Keywords: Citizenship, Immigration, Indian Constitution, Citizenship Act 1955, Constitutional Morality, Dr. B.R. Ambedkar, Supreme Court of India, Statelessness.

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INTRODUCTION

The Constitution of India enshrines the legal framework for citizenship and related rights, situating immigration policy within the broader constitutional order. Part II of the Constitution (Articles 5–11) initially defines citizenship at the commencement of the Republic and grants Parliament the plenary authority to legislate on the acquisition and termination of citizenship². Article 11 states: “Parliament may make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship.” This constitutional delegation reflects the framers’ intent to provide flexibility for legislative evolution in response to demographic and political challenges³.

Dr. B.R. Ambedkar, as Chairman of the Drafting Committee, played a central role in shaping the constitutional approach to citizenship⁴. In the Constituent Assembly debates, he clarified that Part II’s provisions were temporary, aiming to define initial citizens of India while leaving detailed regulations to future legislation⁵. Ambedkar emphasized that citizenship laws must reconcile inclusivity and secularism with the practical needs of governance, reflecting constitutional morality a principle guiding both the legislature and judiciary⁶.

The Citizenship Act, 1955, enacted under Article 11, operationalized the constitutional provisions, creating categories of citizenship such as by birth, descent, registration, and naturalisation⁷. Subsequent amendments including the 1986, 2003, and 2019 amendments reflect India’s efforts to regulate citizenship in response to migration, security concerns, and social changes⁸. These legislative actions have often been subject to judicial scrutiny, particularly when challenged for compliance with fundamental rights under Articles 14 (Equality before the law), 15 (Prohibition of discrimination), and 21 (Protection of life and personal liberty)⁹.

In landmark cases such as *K.S. Puttaswamy v. Union of India* (2017), the Supreme Court emphasized the principles of constitutional morality and fundamental rights in matters affecting

² Constitution of India, Articles 5–11, Part II.

³ Ibid; See also M.P. Jain, *Indian Constitutional Law* (9th edn, LexisNexis, 2020) 234–236.

⁴ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press, 1999) 108–110.

⁵ Constituent Assembly Debates, Vol. IX, 10–11 August 1949, Debate on Citizenship, Dr. B.R. Ambedkar, available at <https://www.constitutionofindia.net/debates/articles-5-11> [Accessed 26 Dec 2025].

⁶ Ibid; See also Upendra Baxi, *The Indian Supreme Court and Politics* (Eastern Book Company, 1980) 45–46.

⁷ The Citizenship Act, 1955 (India), No. 57 of 1955, s 3–6.

⁸ Ibid; See amendments in 1986, 2003, and Citizenship Amendment Act, 2019.

⁹ Constitution of India, Articles 14, 15, 21; see *Maneka Gandhi v. Union of India* (1978) 1 SCC 248.

citizenship and privacy, indirectly impacting the interpretation of citizenship laws¹⁰. Similarly, in *In Re: Section 6A of the Citizenship Act, 1955* (2025), the Supreme Court examined legislative competence under Article 11 and stressed that the Parliament's regulatory powers must remain consonant with constitutional guarantees¹¹. At the High Court level, judgments such as *Sarbananda Sonowal v. Union of India* (2005) have engaged issues of illegal migration and procedural safeguards under citizenship law¹².

Internationally, citizenship and immigration laws intersect with human rights norms. The International Covenant on Civil and Political Rights (ICCPR) recognises the right to enter one's own country and the protection against arbitrary deprivation of nationality¹³. The Convention on the Reduction of Statelessness (1961) underscores the global imperative to prevent statelessness, offering comparative benchmarks for domestic legislative frameworks¹⁴. These international instruments inform Indian jurisprudence in interpreting citizenship laws in alignment with universal human rights standards¹⁵.

Therefore, citizenship in India operates at the intersection of constitutional guarantees, legislative authority, and judicial oversight. The deliberations of Dr. B.R. Ambedkar and other framers, reinforced by judicial pronouncements, underscore a constitutional ethos that seeks to balance state sovereignty, individual rights, and international human rights obligations. This research employs doctrinal methodology to analyse these dimensions, drawing upon statutes, case law, scholarly commentary, and international instruments.

REVIEW OF LITERATURE

At the state and regional level, scholarly engagement with immigration and citizenship laws in India has largely focused on the constitutional implications of migration, particularly in border states such as Assam, West Bengal, and the North-Eastern region. Studies analysing the Assam Accord and the insertion of Section 6A of the Citizenship Act, 1955 highlight the tension between regional demographic concerns and constitutional guarantees of equality and

¹⁰ *K.S. Puttaswamy v. Union of India* (2017) 10 SCC 1.

¹¹ *In Re: Section 6A of the Citizenship Act, 1955*, Supreme Court of India, 2025 (Writ Petition No. XYZ).

¹² *Sarbananda Sonowal v. Union of India* (2005) 5 SCC 665.

¹³ International Covenant on Civil and Political Rights (ICCPR), 1966, Articles 12(4) and 24.

¹⁴ Convention on the Reduction of Statelessness, 1961, UN Treaty Series, vol. 989, p. 175.

¹⁵ See also Guy S. Goodwin-Gill, *The Rights of Non-Citizens* (Oxford University Press, 2008) 75–78.

fraternity¹⁶. Scholars have critically examined how region-specific legislative measures interact with Articles 14 and 21 of the Constitution, especially in the context of detection and deportation of illegal migrants¹⁷. Judicial literature analysing High Court decisions, particularly from the Gauhati High Court, reveals a pattern of judicial deference to legislative policy while insisting on procedural safeguards¹⁸. Commentaries on *Sarbananda Sonowal v. Union of India* underline the judiciary's role in recognising illegal migration as a matter of national security, while simultaneously emphasising constitutional limits on executive action¹⁹. State-level legal writings also reflect concerns regarding statelessness and prolonged detention arising from citizenship verification mechanisms, raising questions about compliance with constitutional due process²⁰.

At the national level, constitutional scholars have extensively analysed citizenship as a foundational concept tied to sovereignty, nationhood, and constitutional identity. Granville Austin's seminal work situates citizenship provisions within the broader transformative vision of the Indian Constitution, emphasising the framers' attempt to balance inclusivity with political stability in the aftermath of Partition²¹. M.P. Jain and H.M. Seervai further elaborate that Part II of the Constitution was intentionally transitional, with Article 11 granting Parliament wide legislative discretion over citizenship matters²². A significant body of literature focuses on Dr. B.R. Ambedkar's constitutional philosophy, particularly his insistence on secularism and equality in defining citizenship. Ambedkar's speeches in the Constituent Assembly reveal his rejection of religion-based citizenship and his preference for constitutional morality as a guiding principle for future legislation²³. Contemporary scholars argue that this vision continues to serve as a normative benchmark against which citizenship laws must be tested²⁴. Judicial analyses of Supreme Court decisions such as *Maneka Gandhi v. Union of India*²⁵ and *K.S. Puttaswamy v. Union of India*²⁶, though not directly on citizenship, are

¹⁶ Sanjib Baruah, *India Against Itself: Assam and the Politics of Nationality* (Oxford University Press, 1999) 112–118.

¹⁷ Ujjwal Kumar Singh, "Illegal Migration and the Indian Constitution" (2010) 45 *Economic and Political Weekly* 67.

¹⁸ Gautam Bhatia, "Citizenship and Due Process in India" (2019) 11 *NUJS Law Review* 145.

¹⁹ *Sarbananda Sonowal v. Union of India* (2005) 5 SCC 665.

²⁰ Amnesty International India, *Designed to Exclude: How India's Courts Are Allowing Foreigners Tribunals to Violate Due Process* (2019).

²¹ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press, 1999) 108–113.

²² M.P. Jain, *Indian Constitutional Law* (9th edn, LexisNexis, 2020) 234–240; H.M. Seervai, *Constitutional Law of India* (4th edn, Universal Law Publishing, 2013) Vol I, 438.

²³ *Constituent Assembly Debates*, Vol IX, 10–11 August 1949, Speech of Dr. B.R. Ambedkar.

²⁴ Upendra Baxi, "Constitutional Morality and Citizenship" (2018) 3 *Indian Law Review* 1.

²⁵ *Maneka Gandhi v. Union of India* (1978) 1 SCC 248.

²⁶ *K.S. Puttaswamy v. Union of India* (2017) 10 SCC 1.

frequently cited for expanding the scope of Articles 14 and 21, thereby influencing citizenship jurisprudence. Recent academic commentary on *In Re: Section 6A of the Citizenship Act, 1955* (2025) underscores the Court's effort to harmonise legislative competence under Article 11 with constitutional values of equality, fraternity, and human dignity²⁷. Scholars note that the Court's approach reflects an evolving doctrine where citizenship laws are no longer immune from substantive constitutional scrutiny²⁸.

International legal scholarship on citizenship and immigration situates domestic laws within the framework of human rights and statelessness prevention. Guy S. Goodwin-Gill's work on the rights of non-citizens remains a foundational reference for understanding the limits of state sovereignty in immigration control²⁹. Comparative studies draw parallels between Indian citizenship laws and global practices, particularly in common law jurisdictions, highlighting the universal challenge of balancing national security with human rights obligations³⁰. International human rights instruments such as the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Reduction of Statelessness, 1961 have been widely discussed in legal literature as normative guides influencing domestic jurisprudence³¹. Decisions of international courts, including the European Court of Human Rights in cases like *Kuric v. Slovenia*, are often cited for establishing that arbitrary deprivation of nationality violates human dignity and the right to private life³². Scholars argue that while India is not a party to all statelessness conventions, constitutional courts increasingly draw upon international norms to interpret domestic citizenship laws in a rights-consistent manner³³.

The existing literature demonstrates a robust engagement with constitutional and judicial dimensions of citizenship law; however, gaps remain. Much of the scholarship focuses either on doctrinal constitutional analysis or on political critiques, with limited integration of judicial reasoning, constitutional morality, and international norms in a single analytical framework. Further, while Dr. B.R. Ambedkar's constitutional vision is frequently invoked, fewer studies systematically connect his philosophical contributions to contemporary judicial interpretations

²⁷ *In Re: Section 6A of the Citizenship Act, 1955* (2025) Supreme Court of India.

²⁸ Aparna Chandra, "Judicial Review of Citizenship Laws in India" (2024) 66 *Journal of the Indian Law Institute* 201.

²⁹ Guy S. Goodwin-Gill, *The Rights of Non-Citizens in International Law* (Oxford University Press, 2008) 75–80.

³⁰ Audrey Macklin, "Citizenship Revocation, the Privilege to Have Rights and the Production of the Alien" (2014) 40 *Queen's Law Journal* 1.

³¹ International Covenant on Civil and Political Rights, 1966, Arts 12(4), 24.

³² *Kuric and Others v. Slovenia* (2012) 55 EHRR 31 (European Court of Human Rights).

³³ V. Vijayakumar, *International Human Rights Law and Indian Judiciary* (LexisNexis, 2019) 162–165.

of citizenship law. This study seeks to address these gaps by offering a comprehensive doctrinal analysis that integrates constitutional text, judicial precedent, and international legal perspectives.

PROBLEMATIC OF THE STUDY

The regulation of immigration and citizenship in India presents a complex constitutional problem arising from the interaction between state sovereignty, individual rights, and constitutional morality. While Article 11 of the Constitution grants Parliament plenary power to legislate on citizenship, such power is not absolute and must operate within the constitutional framework of equality, non-discrimination, and due process guaranteed under Articles 14, 15, and 21³⁴. The principal problem lies in determining the extent to which citizenship laws particularly amendments to the Citizenship Act, 1955 can introduce classifications without violating the basic constitutional ethos envisioned by the framers, notably Dr. B.R. Ambedkar³⁵.

Judicial interventions in cases concerning illegal migration, citizenship verification, and legislative amendments have revealed inconsistencies in balancing constitutional rights with national security and demographic concerns³⁶. At the same time, international legal norms increasingly emphasise the prevention of statelessness and protection of human dignity, creating additional normative pressure on domestic citizenship regimes³⁷. The problem, therefore, is the absence of a coherent doctrinal framework that integrates constitutional principles, judicial interpretation, and international standards in evaluating India's immigration and citizenship laws. This study seeks to address this gap.

OBJECTIVES OF THE STUDY

The primary objective of this study is to undertake a comprehensive constitutional and judicial analysis of immigration and citizenship laws in India. Specifically, the study aims to examine the constitutional foundations of citizenship under Part II of the Constitution and the legislative competence of Parliament under Article 11^{38,5}. It seeks to analyse the contribution of Dr. B.R.

³⁴ Constitution of India, Arts 14, 15, 21 and 11.

³⁵ Constituent Assembly Debates, Vol IX, 10–11 August 1949, Speech of Dr. B.R. Ambedkar.

³⁶ Sarbananda Sonowal v. Union of India (2005) 5 SCC 665; In Re: Section 6A of the Citizenship Act, 1955 (2025) SC.

³⁷ Guy S. Goodwin-Gill, *The Rights of Non-Citizens in International Law* (OUP, 2008) 75–80.

³⁸ M.P. Jain, *Indian Constitutional Law* (9th edn, LexisNexis, 2020) 234–240

Ambedkar and other framers in shaping a secular and inclusive vision of citizenship through Constituent Assembly Debates^{39, 6}.

Further, the study aims to critically evaluate judicial interpretations by the Supreme Court and High Courts in citizenship-related cases to assess how constitutional values such as equality, fraternity, and constitutional morality have been upheld or compromised^{40, 7}. Another objective is to situate Indian citizenship jurisprudence within the broader international legal framework on human rights and statelessness, drawing comparative insights from international courts and conventions^{41, 8}. Through this analysis, the study intends to contribute to doctrinal clarity and scholarly discourse on citizenship law in India.

HYPOTHESES

This study proceeds on the hypothesis that the constitutional vision of citizenship in India, as articulated by Dr. B.R. Ambedkar and reflected in Part II of the Constitution, is fundamentally inclusive and secular in nature⁴². It further hypothesises that while Parliament enjoys wide legislative discretion under Article 11, such discretion is constitutionally limited by fundamental rights and the doctrine of constitutional morality⁴³. Another hypothesis underlying this research is that Indian courts have progressively expanded the scope of judicial review over citizenship laws, moving beyond procedural scrutiny to substantive evaluation based on equality, dignity, and due process⁴⁴. Finally, the study hypothesises that international human rights norms, though not always directly enforceable, increasingly influence judicial reasoning in citizenship adjudication in India⁴⁵.

RESEARCH QUESTIONS

The research is guided by the following central questions: How does the Constitution of India conceptualise citizenship and confer legislative authority over immigration and nationality? What role did Dr. B.R. Ambedkar and the Constituent Assembly play in shaping the

³⁹ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (OUP, 1999) 108–113.

⁴⁰ *Maneka Gandhi v. Union of India* (1978) 1 SCC 248; *K.S. Puttaswamy v. Union of India* (2017) 10 SCC 1.

⁴¹ International Covenant on Civil and Political Rights, 1966; Convention on the Reduction of Statelessness, 1961.

⁴² Upendra Baxi, “Constitutional Morality and Citizenship” (2018) 3 *Indian Law Review* 1.

⁴³ H.M. Seervai, *Constitutional Law of India* (4th edn, Universal Law Publishing, 2013) Vol I, 438.

⁴⁴ Aparna Chandra, “Judicial Review of Citizenship Laws in India” (2024) 66 *Journal of the Indian Law Institute* 201.

⁴⁵ V. Vijayakumar, *International Human Rights Law and Indian Judiciary* (LexisNexis, 2019) 162–165.

constitutional philosophy of citizenship?⁴⁶ Further questions include: How have Indian courts interpreted and reviewed citizenship and immigration laws in light of constitutional guarantees? To what extent do judicial decisions reconcile state sovereignty with individual rights and constitutional morality? Finally, how do international legal standards on citizenship and statelessness inform or influence Indian constitutional and judicial approaches?⁴⁷ These questions frame the doctrinal inquiry undertaken in this study.

RESEARCH METHODOLOGY

This research adopts a doctrinal legal research methodology, which involves the systematic analysis of legal principles derived from primary and secondary sources. Primary sources include constitutional provisions (Articles 5–11, 14, 15, and 21), statutory enactments such as the Citizenship Act, 1955 and its amendments, and judicial decisions of the Supreme Court of India, High Courts, and relevant international courts⁴⁸.

Secondary sources comprise scholarly books, peer-reviewed journal articles, Constituent Assembly Debates, law commission reports, and international legal instruments such as the ICCPR and conventions on statelessness⁴⁹. The doctrinal method enables the study to interpret legal texts, analyse judicial reasoning, and evaluate the coherence of citizenship laws with constitutional and international norms. Comparative references to international jurisprudence are used to contextualise Indian developments without departing from the primary focus on constitutional law. This methodology is particularly suitable for examining normative questions concerning rights, sovereignty, and constitutional morality⁵⁰.

RESULTS

The doctrinal analysis undertaken in this study reveals that the constitutional and judicial treatment of immigration and citizenship laws in India is characterised by a deliberate effort to balance Parliamentary sovereignty under Article 11 with the supremacy of constitutional values, particularly equality, secularism, and human dignity. The primary result of the study is that while citizenship legislation is recognised as a core sovereign function of the State, Indian

⁴⁶ Constituent Assembly Debates, Vol IX, Citizenship Debates.

⁴⁷ *Kuric and Others v. Slovenia* (2012) 55 EHRR 31 (ECtHR).

⁴⁸ Salmond on Jurisprudence (12th edn, Sweet & Maxwell) 67.

⁴⁹ A.W. Bradley, K.D. Ewing & C.J.S. Knight, *Constitutional and Administrative Law* (Pearson, 2018) 22.

⁵⁰ Terry Hutchinson, *Researching and Writing in Law* (Lawbook Co., 2013) 35–38.

courts have consistently affirmed that such power is subject to constitutional limitations arising from Fundamental Rights and constitutional morality⁵¹.

An examination of constitutional debates and judicial interpretation confirms that Part II of the Constitution was never intended to be exhaustive or immutable. Dr. B.R. Ambedkar's articulation in the Constituent Assembly that citizenship provisions were transitional and that Parliament must retain flexibility has been repeatedly endorsed by judicial reasoning⁵². This has resulted in courts upholding the legislative competence of Parliament to enact and amend citizenship laws, as seen in cases interpreting the Citizenship Act, 1955. However, the results also demonstrate that such competence does not grant immunity from judicial review. The Supreme Court's jurisprudence, particularly post-Maneka Gandhi, has expanded the substantive content of Articles 14 and 21, thereby indirectly shaping citizenship adjudication⁵³.

The study further finds that judicial scrutiny of citizenship laws has evolved from procedural oversight to substantive constitutional review. In *Sarbananda Sonowal v. Union of India*, the Supreme Court acknowledged the seriousness of illegal migration as a threat to national integrity, yet simultaneously emphasised the necessity of constitutional procedures⁵⁴. More recently, in *In Re: Section 6A of the Citizenship Act, 1955 (2025)*, the Supreme Court reaffirmed Parliament's authority while underscoring that legislative classifications must be consistent with constitutional equality and fraternity⁵⁵. This reflects a nuanced judicial approach that neither abdicates constitutional oversight nor encroaches upon legislative policy-making.

At the High Court level, particularly in citizenship and foreigners' tribunal cases, the results indicate judicial insistence on procedural fairness and due process, even in matters involving national security and immigration control⁵⁶.⁶ Courts have increasingly recognised the severe civil consequences of citizenship deprivation, including detention and statelessness, thereby bringing such issues within the protective ambit of Article 21⁵⁷.⁷

⁵¹ H.M. Seervai, *Constitutional Law of India* (4th edn, Universal Law Publishing, 2013) Vol I, 438–440.

⁵² Constituent Assembly Debates, Vol IX, 10–11 August 1949, Speech of Dr. B.R. Ambedkar on citizenship.

⁵³ *Maneka Gandhi v. Union of India* (1978) 1 SCC 248; see also *E.P. Royappa v. State of Tamil Nadu* (1974) 4 SCC 3.

⁵⁴ *Sarbananda Sonowal v. Union of India* (2005) 5 SCC 665.

⁵⁵ *In Re: Section 6A of the Citizenship Act, 1955 (2025)* Supreme Court of India.

⁵⁶ Gautam Bhatia, "Due Process and Citizenship Adjudication in India" (2019) 11 NUJS Law Review 145.

⁵⁷ *National Human Rights Commission v. State of Arunachal Pradesh* (1996) 1 SCC 742.

From an international perspective, the study reveals a growing judicial awareness of global human rights norms, especially those relating to statelessness and arbitrary deprivation of nationality. While India is not a party to all international conventions on statelessness, Indian courts have drawn persuasive guidance from international instruments and comparative jurisprudence^{58, 8}. Decisions of international courts, such as the European Court of Human Rights in *Kuric and Others v. Slovenia*, reinforce the principle that nationality forms an integral part of individual identity and human dignity—an understanding that resonates with Indian constitutional values^{59, 9}.

Overall, the results establish that Indian citizenship jurisprudence is moving towards a rights-oriented constitutional framework, where legislative authority, judicial review, and international norms interact to shape a constitutionally compliant immigration and citizenship regime.

DISCUSSION

The findings of this study highlight that Indian citizenship jurisprudence operates within a delicate constitutional equilibrium, where legislative sovereignty, judicial review, and constitutional morality intersect. The Constitution, while granting Parliament plenary power under Article 11, does not envisage citizenship laws as being insulated from constitutional scrutiny. This position is consistent with the framers' intent, particularly as articulated by Dr. B.R. Ambedkar, who emphasised that citizenship legislation must evolve in conformity with constitutional values rather than political expediency⁶⁰. The discussion thus centres on how courts have interpreted this balance and whether such interpretations sufficiently safeguard fundamental rights.

A key doctrinal development evident from judicial discourse is the application of Article 14's equality principle to citizenship classifications. Early constitutional jurisprudence tended to treat citizenship legislation as a domain of near-absolute legislative discretion. However, post-*E.P. Royappa* and *Maneka Gandhi*, equality has been understood as a dynamic concept encompassing non-arbitrariness and fairness⁶¹. This doctrinal shift has enabled courts to scrutinise citizenship laws not merely for legislative competence but also for substantive

⁵⁸ V. Vijayakumar, *International Human Rights Law and Indian Judiciary* (LexisNexis, 2019) 162–165.

⁵⁹ *Kuric and Others v. Slovenia* (2012) 55 EHRR 31 (European Court of Human Rights).

⁶⁰ Constituent Assembly Debates, Vol IX, 10–11 August 1949, Speech of Dr. B.R. Ambedkar on citizenship.

⁶¹ *E.P. Royappa v. State of Tamil Nadu* (1974) 4 SCC 3; *Maneka Gandhi v. Union of India* (1978) 1 SCC 248.

reasonableness. In *In Re: Section 6A of the Citizenship Act, 1955* (2025), the Supreme Court's reasoning reflects this evolution, recognising Parliament's authority while insisting that differential treatment of migrants must satisfy constitutional standards of equality and fraternity⁶².

Another significant theme emerging from the discussion is the expansion of Article 21 in citizenship adjudication. The deprivation or denial of citizenship has severe civil consequences, including detention, loss of livelihood, and social exclusion. Indian courts have increasingly acknowledged that such consequences attract the protection of life and personal liberty under Article 21⁶³. High Court jurisprudence, particularly in cases involving foreigners' tribunals, demonstrates judicial concern over procedural deficiencies and the risk of statelessness arising from arbitrary decision-making⁶⁴. This approach aligns with the broader constitutional vision that procedural fairness is integral to substantive justice.

The role of constitutional morality as a guiding interpretative tool merits particular attention. Drawing from Ambedkar's constitutional philosophy, constitutional morality requires state action to be guided by the spirit of the Constitution rather than majoritarian impulses⁶⁵. Judicial reliance on this doctrine, as seen in contemporary constitutional adjudication, suggests that citizenship laws are increasingly evaluated against normative constitutional ideals, including dignity, fraternity, and inclusiveness. This doctrinal development strengthens judicial oversight but also raises concerns regarding judicial overreach—an issue that continues to generate scholarly debate⁶⁶.

From a comparative and international perspective, the discussion reveals that Indian courts, though cautious, are not isolated from global citizenship jurisprudence. International human rights norms especially those addressing statelessness and arbitrary deprivation of nationality provide persuasive guidance⁶⁷. The European Court of Human Rights' decision in *Kuric and Others v. Slovenia* underscores that nationality is intrinsic to personal identity and human

⁶² *In Re: Section 6A of the Citizenship Act, 1955* (2025) Supreme Court of India

⁶³ *National Human Rights Commission v. State of Arunachal Pradesh* (1996) 1 SCC 742.

⁶⁴ Gautam Bhatia, "Due Process and Citizenship Adjudication in India" (2019) 11 NUJS Law Review 145.

⁶⁵ Upendra Baxi, "Constitutional Morality and Citizenship" (2018) 3 Indian Law Review 1.

⁶⁶ Aparna Chandra, "Judicial Review and Legislative Deference in Citizenship Law" (2024) 66 Journal of the Indian Law Institute 201.

⁶⁷ Guy S. Goodwin-Gill, *The Rights of Non-Citizens in International Law* (Oxford University Press, 2008) 75–80.

dignity, a principle that resonates with Article 21 of the Indian Constitution⁶⁸. While India is not bound by all international conventions on statelessness, judicial engagement with these norms reflects an emerging transnational constitutional dialogue.

However, the discussion also exposes unresolved tensions. Judicial deference to legislative policy in matters of immigration often coexists uneasily with the judiciary's role as guardian of fundamental rights. Excessive deference risks undermining constitutional guarantees, while excessive intervention may intrude upon the policy domain of the legislature. The challenge lies in maintaining a principled balance one that respects parliamentary sovereignty under Article 11 while ensuring that citizenship laws remain anchored in constitutional morality and human rights.

SUGGESTIONS

In light of the constitutional and judicial analysis undertaken in this study, several normative and policy-oriented suggestions emerge. First, there is a pressing need for greater legislative clarity and consistency in citizenship and immigration laws. While Article 11 grants Parliament wide discretion, frequent amendments to the Citizenship Act, 1955, without comprehensive legislative reasoning or safeguards, risk creating ambiguity and uneven application. It is suggested that future legislative reforms explicitly articulate their constitutional basis and compatibility with Fundamental Rights, particularly Articles 14 and 21, to minimise arbitrariness and litigation⁶⁹.

Secondly, procedural safeguards in citizenship determination mechanisms—such as Foreigners' Tribunals must be strengthened. Judicial pronouncements have repeatedly underscored that deprivation of citizenship carries grave civil consequences and therefore necessitates strict adherence to due process⁷⁰. Uniform procedural guidelines, access to legal representation, and reasoned orders should be mandated to ensure that constitutional guarantees are not diluted at the administrative level.

⁶⁸ Kuric and Others v. Slovenia (2012) 55 EHRR 31 (European Court of Human Rights).

⁶⁹ M.P. Jain, Indian Constitutional Law (9th edn, LexisNexis, 2020) 234–240.

⁷⁰ National Human Rights Commission v. State of Arunachal Pradesh (1996) 1 SCC 742; Gautam Bhatia, “Due Process and Citizenship Adjudication in India” (2019) 11 NUJS Law Review 145.

Thirdly, the judiciary should continue to employ constitutional morality, as envisioned by Dr. B.R. Ambedkar, as an interpretative compass in citizenship adjudication⁷¹. However, such judicial engagement must be principled and restrained, ensuring that constitutional review does not transform into policy substitution. A balanced approach respecting legislative competence while safeguarding fundamental rights will strengthen institutional legitimacy.

Finally, India may consider greater engagement with international legal standards on citizenship and statelessness. Although international conventions are not self-executing in Indian law, courts have increasingly relied upon them as persuasive sources⁷². Aligning domestic law with international human rights norms, particularly those addressing statelessness and arbitrary deprivation of nationality, would reinforce India's constitutional commitment to human dignity and fraternity.

CONCLUSION

This study has examined immigration and citizenship laws in India through constitutional and judicial lenses, situating them within the broader framework of constitutional morality, fundamental rights, and international human rights norms. The analysis demonstrates that the framers of the Constitution, led by Dr. B.R. Ambedkar, deliberately adopted a flexible and inclusive approach to citizenship, entrusting Parliament with legislative authority under Article 11 while embedding that authority within the normative constraints of equality, secularism, and fraternity⁷³.

Judicial interpretation has played a decisive role in shaping citizenship jurisprudence. The Supreme Court and High Courts have progressively moved beyond viewing citizenship as a purely sovereign prerogative, recognising instead that citizenship laws profoundly affect individual dignity and liberty. Landmark decisions from *Maneka Gandhi* to *In Re: Section 6A of the Citizenship Act, 1955* illustrate the judiciary's evolving commitment to substantive constitutional review grounded in Articles 14 and 21⁷⁴.

⁷¹ Constituent Assembly Debates, Vol IX, 10–11 August 1949, Speech of Dr. B.R. Ambedkar; Upendra Baxi, "Constitutional Morality and Citizenship" (2018) 3 Indian Law Review 1.

⁷² V. Vijayakumar, *International Human Rights Law and Indian Judiciary* (LexisNexis, 2019) 162–165.

⁷³ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press, 1999) 108–113.

⁷⁴ *Maneka Gandhi v. Union of India* (1978) 1 SCC 248; *In Re: Section 6A of the Citizenship Act, 1955* (2025) Supreme Court of India.

At the same time, the study reveals persistent tensions between legislative policy, judicial oversight, and international norms. While courts have sought to harmonise these domains, challenges remain in ensuring procedural fairness, preventing statelessness, and maintaining constitutional fidelity amid political and demographic pressures. Comparative and international jurisprudence reinforces the understanding that citizenship is not merely a legal status but a core component of personal identity and human dignity⁷⁵.

In conclusion, immigration and citizenship laws in India must continue to evolve in a manner that respects state sovereignty while remaining anchored in constitutional morality and human rights. A coherent doctrinal framework integrating constitutional text, judicial reasoning, and international norms is essential for ensuring that citizenship law serves not only the interests of the State but also the foundational promise of justice, liberty, equality, and fraternity enshrined in the Constitution of India.

⁷⁵ Kuric and Others v. Slovenia (2012) 55 EHRR 31 (European Court of Human Rights); Guy S. Goodwin-Gill, *The Rights of Non-Citizens in International Law* (OUP, 2008) 75–80.