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## CONSTITUTIONAL RIGHTS: CITIZENSHIP ASSURANCE AND THE RIGHTS BEYOND

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Citizenship embodies a legal status involving fundamental rights and responsibilities within a sovereign nation. This essay will specifically examine citizenship assurance and the associated rights and challenges. Areas explored include constitutional rights, the evolution and democratization of citizenship, current challenges, digital citizenship and data privacy, birthright privilege and statelessness, non-refoulement, deportation, the reach of welfare schemes, tension between sovereignty and due process in expulsion, the phenomenon of ethnic cleansing within and beyond borders, the unaccountability of government, and the importance of nationality and citizenship, a vital topic of discussion in governance and society.

**Evolution of Citizenship with Constitutional rights:** According to T.H. Marshall, citizenship is full and equal membership in a political community. The earliest forms of citizenship were limited and exclusionary in nature, as only those who had property were given citizenship rights in ancient Greek city-states, while including the right to participate in the political life of the polis, voting in the assembly and holding public office, as well as the right to own land and participate in the military to protect the city-states. The citizens enjoyed both civil and political rights. However, Women and slaves were deprived of these rights at large. Citizens used to directly or indirectly participate in all the functions of the civil and political life of the state. Whereas the slaves and women enjoyed none of such rights and suffered from all kinds of political and economic disabilities, it was with the advent of modern-liberal states that the demand for equality gained momentum and later the citizenship rights were extended to them. Thus, in ancient Greece, the term "citizen" was used in its narrow sense. A very similar concept was followed in Rome; the people who belonged to the rich class, called Patricians, were privileged to enjoy full-fledged citizenship rights, while common free men(plebeians) initially did not enjoy all political privileges, though they were still considered a citizen. Women and slaves were excluded from political citizenship; women had limited civil rights, while slaves were considered non-citizens. However, in Ancient Rome the citizens were conferred broader social and political roles compared to Greece. In ancient times the expectations of civic involvement were strong, with the belief that a citizen who did not participate in politics was

considered useless to the community.

**Democratising Citizenship:** Later, during the 18th century, the Declaration of the Rights of Man and of the Citizen (France, 1789) was introduced, asserting rights for citizens and reimagining political membership and freedoms. During the mid-20th century, the Universal Declaration of Human Rights (UDHR) in 1948 asserted that all people possess rights by virtue of being human—a shift toward universality of rights. In the late 20th and early 21st centuries, the relationship between citizenship and rights has become more dynamic—membership may confer more or fewer rights depending on state practice, as each state enforces citizenship rights according to its constitution. There are various criteria for being a citizen or acquiring citizenship, such as birth, descent, registration, naturalization, marriage, or investment (economic contribution). These criteria differ according to each country's citizenship laws and requirements. Citizenship grants individuals' constitutional rights while also entrusting them with civic duties and responsibilities toward the nation.

**Challenges Arising in Contemporary Society:** In the contemporary world, the questions of citizenship, citizen participation, and constitutional rights have become increasingly prominent. Several factors contribute to this trend, including state backlash against welfare policies, rising violence, escalating wars, increased digital surveillance by the state, marginalization of weaker sections, multicultural pressures in the West, ethnic cleansing along borders. Moreover, global migration, dual citizenship, statelessness has made the notion of citizenship increasingly complex by raising new challenges. Globalization has reignited the debate surrounding the very concept of citizenship.

**Digital Citizenship and Data Privacy:** In the 21st century, a new form of citizenship has emerged alongside the increasing use of digital technology. Digital citizenship enables individuals to interact with others and participate in political, social, and cultural life through virtual affiliation and engagement. It represents a mode of communication that involves interacting with technology, accessing information, and engaging with government. Moreover, it encompasses the right to speech and expression in digital space and facilitates communication among citizens across different countries. Well-adjusted digital citizens strive to promote digital literacy within a harmonious online environment. The rights and responsibilities of digital citizenship may differ by political and social environment. In the U.S., the 2025 Trump administration's policies reflect a tension between protecting free speech and

data collection, which can indirectly undermine data privacy. While the government seeks to promote content moderation by repealing regulations perceived as censorship, it simultaneously expands data access through the loosening of cross-border data transfer restrictions and increased social media surveillance. This creates a paradox: while seeking to promote and protect free speech and expression, it simultaneously infringes on data privacy, particularly targeting non-citizens and government-related data. In March 2025, the Department of Homeland Security (DHS) announced that millions of immigrants applying for a green card or U.S. citizenship would be required to provide their social media handles on nine different forms, while also expanding biometrics requirements for non-citizen registration. In October 2025, reports revealed that U.S. Immigration and Customs Enforcement (ICE) had been using spyware from companies such as Paragon Solutions to track individuals' phone locations and access data, including information from encrypted apps. This surveillance reportedly targets not only undocumented immigrants but also legal residents, international students, and H-1B visa holders. Such infringements on the data privacy of non-citizens and immigrants may also have a chilling effect on the free speech rights of both citizens and non-citizens. In India, digital privacy is governed by the Digital Personal Data Protection (DPDP) Act, 2023; the draft DPDP Act 2025; and new IT rules. In October 2025, the Indian government's 'SAHYOG' portal was launched under the Ministry of Home Affairs' Indian Cyber Crime Co-ordination Centre (I4C). The platform serves as a centralized system designed to automate the process of issuing takedown notices to intermediaries, telecom service providers, and social media platforms under Section 79(3)(b) of the Information Technology (IT) Act, 2000. The primary objective of the portal is the rapid removal of unlawful content, misinformation, cybercrime materials, etc. However, these government initiatives have raised concerns regarding their impact on digital citizenship, particularly due to the lack of transparency in the portal's operational framework. The portal enables government agencies—both state and central law-enforcing bodies, including local police—to issue takedown notices without adequate procedural safeguards or detailed justification under Section 69(a) of the Information Technology (IT) Act, 2000. Recently, the Karnataka High Court dismissed a petition challenging the 'SAHYOG' Portal, upholding its administrative and legal validity. This decision has prompted ongoing debate about whether the government's approach curtails the rights of digital citizens by limiting transparency and accountability in digital governance. Other rules and laws introduced by the Government of India have further restricted the rights associated with digital citizenship, including one of the most controversial bills, the Broadcasting Services (Regulation) Bill 2024. Therefore, issues surrounding digital citizenship

and data privacy must remain central to public and academic discourse, as growing concerns and potential violations of free speech continue to emerge across the country.

**Visible peoples, invisible citizens:** Earlier in ancient Greece, citizens were expected to actively participate in political life. Those citizens who did not participate were considered socially disruptive. Participation was considered not only a right but also a civic duty. The concept of citizenship embodies both legal and moral relationship between the state and its people. Citizens are obliged to fulfil certain duties and responsibilities, while the state, in turn, is expected to safeguard their fundamental rights and promote their essential interest. When the state fails to uphold these obligations, citizens possess a legitimate right to peacefully agitate and advocate for the protection of their rights. This exemplifies the importance of citizenship, as well as the role and participation of citizens in politics, in maintaining democracy and ensuring government accountability. Conversely, passive citizenship can lead to governmental stagnation, and may further alienate representatives from the people. However, in contemporary society, there appears to be a growing lack of civic awareness among citizens, which has consequently diminished their ability to hold leaders accountable – a principle that is essential in any democratic society.

Unfortunately, some citizens do not feel a sense of belonging toward their state, which can be a major factor contributing to the ignorance or neglect of rights violation. In recent years, Immigration has increased partly due to these reasons. According to the latest Data of United Nations’s (UN) International Migrant Stock, 2024. The statistics are as follows:

Approx. Migrants (2024)	Category
60-65%	Labour & economics
5-8%	Education & skilled
12-15%	Forced/refugee
2-4%	Climate/environmental
10-12%	Family & Personal

The highest increase in immigration in 2024 was recorded in Europe, which hosted approximately 94 million migrants. Northern America had the second largest number, with around 61 million, followed by Northern Africa and Western Asia with 54 million. According to data, these figures vary depending on multiple factors influencing migration, including the 'sense of belonging'. When citizens do not feel an ethical, cultural or environmental sense of belonging from their home country they usually migrate towards the country they emotionally resonate with, this is one of the factors for consideration. Migration isn't just about economics or escape; it's about finding or recreating a sense of home. Nevertheless, a significant portion of migrants relocate primarily in pursuit of employment and economic stability. According to the recent data, the countries holding largest number of migrants are from, USA, Canada, Germany, United Kingdom, followed by Australia and others. While many of these migrants are lawfully registered, some are illegal migrants. This often occurs due to the difficulty in obtaining work or student visas for legal immigration which may compel some individuals to resort to unauthorized means of migration. According to recent reports, USA deported approximately 20,000 undocumented migrants in 2025. However, mass deportation would deliver catastrophic blow to the US economy, as undocumented migrants have outsized the roles in industries like, construction, agriculture, hospitality and healthcare. More than 15% of undocumented workers are graduated with bachelor's degree, and nearly half a million are currently enrolled in college and universities. The U.S. has also introduced some new regulation affecting Indian immigrants, including modification to the H-1B visa program, these changes could significantly impact companies employing Indian professional and reduce opportunities for Indians seeking employments in the U.S. The challenges faced by immigrants can be mitigated through implementation of appropriate policies and effective support system.

**Fear often compels those who feel a deep sense of belonging to abandon their homeland.**

According to the recent trends, United Nations High Commissioner for Refugees (UNHCR), 123.2 million have been forcefully displaced worldwide. The reason behind displacement includes, escalating conflicts, Violation of Human Rights, internal conflicts, gang violence, etc. Most refugees originate from countries like Syria, South Africa, Afghanistan, Sudan & South Sudan, Somalia, Democratic Republic of Congo (DRC), Ukraine, Gaza, Myanmar (including the Rohingya population). In Gaza, the UN agency for Palestinian refugees (UNRWA) estimates that about 90 percent of the population- or more than two million people, have been displaced by Israel's continuing assault. These escalating war forces people to migrate and seek

asylum, while others die helplessly on their own beloved land which was once their safe home. A silent cry of Humanity (long-lost) echoes from these escalating wars and internal conflicts. While the insecurity and challenges that refugees and internally displaced people (IDPs) face extend far beyond the guns and blasts of war. they include lack of access to food, health care, housing, employment, and clean water and sanitation, as well as loss of community and home. refugees aboard face problems such as, fear of deportation, anxiety about the future, difficulties in renewing the visas, and denial of civil rights and services. According to the United Nations High Commissioner for Refugees (UNHCR) Iran holds the largest number of refugee- 3.5 million refugees followed by Turkey, Germany, Cambodia, and Uganda. While these figures may appear impressive, a harsh truth lies beneath them. forced deportation and refolement of refugees have been documented in several countries. As per UN and Amnesty International, following the recent Iran-Isreal war, Iran forcefully deported 410,000 Afghans. similarly, Pakistan deported Afghan refugees despite the fact, many held valid documents issued by the UN Refugee Agency (UNHCR). According to the UNHCR report, India estimates that around 6,300 refugees will be in need of resettlement in 2025. Most of these refugees in India are Rohingya Muslims. The criminal acts committed against the Rohingya and Kaman Muslim communities in Arakan State since in June 2012 amount to crime against humanity, and form broader part of ethnic cleansing. As Rohingya Muslims are deprived of citizenship rights in Myanmar- they have suffered wide spread violence, disruption of property, genocide and gross human rights violation – all carried out under the guise of ethnic cleansing. Because of these circumstances Rohingya Muslims sought asylum in India to protect their lives and gain access to basic necessities. However, instead of offering protection, India framed them as illegal immigrants, made them victims of Human trafficking, exploitation, violating their refugees' rights and even initiated forceful deportation without due legal procedure. This stand contradictory to, Article 21 of Indian Constitution which provides protection for citizens and non-citizens. Whereas Government of India is effectively abridging these fundamental rights. A legal and procedural frame work must be followed without violating human rights, as Rohingyas are human being. Greater importance should be given to addressing issues such as ethnic cleansing, which has resulted in death of millions of innocent people. The Rohingya are stateless people not illegal immigrants.

While hosting refugees presents challenges for host countries, these difficulties can be effectively addressed if the 1951 United Nations Refugee Convention (UNRC) is properly

implemented and coordinated, ensuring that refugees are granted equal rights and opportunities to rebuild their life.

**Conclusion:** Citizenship lies at the heart of constitutionality, defining who belongs and who benefits from the nation's laws. The principle of birthright citizenship ensures that individuals are not denied Constitutional rights based on ancestry or circumstance, reinforcing equality and inclusion as fundamental Constitutional values. However, statelessness exposes the gaps between political and legal systems, which often fail to provide protection, remedies and the right to nationality. Upholding Constitutional rights not only requires preserving birthright citizenship but also requires framing laws to prevent statelessness and ensure effective implementation of remedies. Ultimately, a just and democratic society must ensure that citizenship is not privilege reserved for few, but a universal right that affirms the security, dignity and belonging for all.