

Citizenship Reforms in Canada – In Comparison to India.

Canada's recent approval of Bill C-3 marks a significant shift in its citizenship-by-descent laws, offering a major relief to thousands of foreign-born children of Canadian citizens, including a substantial number from Indian-origin families. This reform, amending the *Citizenship Act (2025)*, addresses long-standing issues of exclusion and aims to make the law more inclusive while acknowledging the global mobility of modern Canadian families.

The Necessity of Canadian Citizenship Reforms

The primary necessity for Bill C-3 was the need to resolve the unconstitutional nature and unfair outcomes of the "first-generation limit," which was introduced in 2009.

The First-Generation Limit (FGL) –

This rule prevented a child born or adopted abroad from automatically receiving Canadian citizenship if their Canadian parent was also born or adopted outside the country. Essentially, citizenship could not pass down past the first generation born abroad.

The Problem – The FGL created significant difficulties for Canadians, particularly those who moved abroad for work, education, or other reasons, and had children overseas. It effectively "stateless" or excluded children whose connection to Canada was through a parent who was also foreign-born, even if that parent was a full Canadian citizen.

The Court Challenge – The law faced a challenge in the Ontario Superior Court of Justice, which ruled key parts of the FGL unconstitutional on December 19, 2023, agreeing that the law created unacceptable outcomes. The Canadian government's decision not to challenge the ruling and to introduce Bill C-3 signifies a commitment to modernizing the law to reflect contemporary family life and uphold the value of Canadian citizenship without the element of arbitrary exclusion.

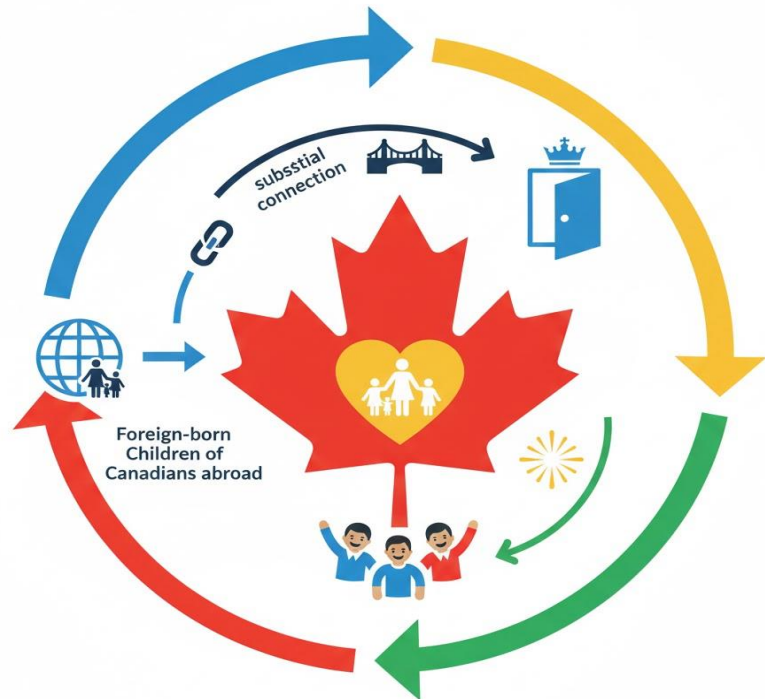
Impact on Indian Migrants to Canada

The Indian-origin community in Canada is one of the largest and most influential immigrant groups. This community is significantly affected by the new reforms.

Automatic Eligibility – Under the new law, if an Indian-born Canadian citizen is living in Canada and their children were born outside Canada, those children will now be automatically eligible for Canadian citizenship, resolving the issues created by the FGL.

Substantial Connection Clause – Crucially, Bill C-3 also allows a Canadian parent born or adopted abroad to pass on citizenship to a child born or adopted abroad *after* the Bill comes into force, provided the parent can show a "substantial connection" to Canada. This connection could be demonstrated through factors like physical presence in Canada.

Addressing the Backlog – It is estimated that this reform could affect around 115,000 foreign-born children, many of whom are of Indian origin. The amendment resolves their long-running problems and brings fairness to their families. In summary, the reform acknowledges the diasporic nature of the



Indian-Canadian community and ensures that their global movement does not involuntarily strip their descendants of a right to Canadian citizenship.

The Concept of Citizenship in Historical Context

Historically, the concept of citizenship has evolved around two main principles –

1. **Jus Soli (Right of the Soil)** – Citizenship is acquired by birth within the territory of the state, regardless of the parents' nationality. This is the primary basis for citizenship in countries like the United States and, to a large extent, Canada before the 2009 reforms.
2. **Jus Sanguinis (Right of Blood)** – Citizenship is acquired by being born to a citizen parent, regardless of the place of birth. This is common in many European and Asian countries.

Modern citizenship laws, including Canada's, often use a mix of both. The 2009 FGL was an attempt to limit Jus Sanguinis by introducing a generation limit, preventing citizenship from being passed indefinitely through descent for those born abroad. Bill C-3 relaxes this limit, especially for those who can prove a substantial connection to the country, thus restoring a fairer balance between the two principles.

Citizenship in India

Indian citizenship is primarily governed by the Citizenship Act, 1955, and the principles enshrined in Part II, Articles 5 to 11 of the Constitution of India. India, like most nations, does not recognize Dual Citizenship.

The major ways to acquire Indian citizenship are –

By Birth (Jus Soli) – Governed by changes to the Citizenship Act over time. Currently, a person born in India on or after July 1, 1987, is a citizen if either parent is a citizen at the time of birth. For those born after December 3, 2004, both parents must be Indian citizens, or one must be a citizen and the other not an illegal migrant.

By Descent (Jus Sanguinis) – A person born outside India on or after December 3, 2004, is a citizen only if their birth is registered at an Indian consulate within one year and one of the parents is an Indian citizen.

By Registration – For persons of Indian origin, spouses of Indian citizens, etc., who apply after meeting residency requirements.

By Naturalization – For foreigners who have legally resided in India for a stipulated period and meet other criteria.

Relevance in the Context of Special Intensive Review of Election Commission

The concept of citizenship is directly linked to voting rights. In India, only a citizen who is 18 years of age or older is eligible to be registered as an elector for elections to the Lok Sabha and the State Legislative Assemblies, as per Article 326 of the Constitution. The Special Intensive Review by the Election Commission of India (ECI) is the process of updating the voter list to ensure its accuracy.

Relevance of Citizenship – This review is vital to remove the names of non-citizens (like illegal migrants or foreigners) from the electoral roll, as their inclusion would compromise the integrity of the democratic process. Furthermore, the ECI's review must ensure that all newly eligible citizens (those turning 18 or those who have successfully applied for citizenship through registration/naturalisation) are duly added to the roll, ensuring maximum and accurate participation in elections. The legal definition and proof of Indian citizenship are fundamental to maintaining a legitimate electoral roll.

Conclusion

Canada's Bill C-3 represents a vital step towards a more humane and modern citizenship law, correcting historical anomalies that unfairly penalized families due to the global nature of their lives. This reform offers significant relief to Indian-origin families, cementing their status within the Canadian social fabric. Comparing this with the Indian system highlights the differing approaches—Canada, with its history of immigration, focuses on correcting descent-based exclusions, while India, with its non-recognition of dual citizenship, focuses on ensuring that citizenship and voting rights are strictly conferred only upon those who meet the stringent constitutional and statutory criteria, a necessity

underscored by the role of the Election Commission. The Canadian move is a testament to the dynamic nature of citizenship laws adapting to the realities of a mobile, globalized world.

Main Practice Question

1. "Critically analyse how Canada's Bill C-3, by modifying the "first-generation limit," balances the principles of Jus Sanguinis and national interest against the democratic value of inclusive citizenship for the Indian diaspora".

Answer Guidelines

The answer should be structured to address the three core components of the question – the mechanism of Bill C-3, the citizenship principles involved, and the specific impact on the Indian diaspora, concluding with an analytical balance.

1. Introduction – The Core of Bill C-3 (Approx. 50 words)

Define Bill C-3 – Mention it amends the *Citizenship Act (2025)* to remove the discriminatory "first-generation limit" (FGL).

Purpose – To restore citizenship to those previously excluded and to set clear, fairer rules for future generations born abroad.

2. Body

1. Analytical Shift – Balancing Jus Sanguinis and National Interest (Approx. 150 words)

Jus Sanguinis (Right of Blood) – Explain that the FGL was a restriction on Jus Sanguinis, preventing citizenship from passing beyond the first generation born outside Canada. The reform expands this principle by allowing citizenship to pass to the second generation born abroad.

National Interest/Democratic Value –

Old Concern – The FGL was intended to prevent the indefinite transmission of citizenship to individuals with little meaningful "connection" to the Canadian political community, safeguarding the value of citizenship.

New Balance – Bill C-3 replaces the arbitrary FGL with a new condition for the second generation – a parent must demonstrate a "substantial connection" to Canada (e.g., 1,095 cumulative days of physical presence). This condition serves the national interest by ensuring that citizenship-by-descent is tied to a real, recent commitment to Canada, thereby strengthening democratic inclusion.

2. Impact on the Indian Diaspora (Approx. 100 words)

Relief and Fairness – Highlight that the Indian-origin community is a major beneficiary, as many Indian-born Canadian citizens living globally can now automatically ensure their foreign-born children qualify for citizenship.

Mobility and Family Unity – The reform acknowledges the reality of highly-mobile, modern Indian families (NRIs, professionals) and ensures that their global movement does not involuntarily strip their children of their Canadian identity, promoting family unity and a stronger diaspora network.

3. Conclusion – Critical Analysis of Inclusiveness (Approx. 50 words) – Conclude that Bill C-3 represents a move toward a more hybrid and inclusive citizenship regime (Jus Sanguinis with a "connection" caveat).