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ROLE AND RESPONSIBILITIES OF CITIZENSHIP

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ABSTRACT

The ancient Greeks are credited with laying the foundation for the concept of citizenship. Especially in Athens, citizenship came to the fore when people were willing to deal permanently with the state for a comfortable life. But citizenship at that time, which was a code of honor, did not include women, slaves and foreigners. Although the concept of citizenship appeared later in the Roman Empire, it did not take a universal form. By the Middle Ages in European cities, citizenship was a concept that only belonged to the clergy, courtiers, and high officials of the administration. After the American Revolution of 1776 and the French Revolution of 1789, citizenship came to be regarded as a concept that represented a plurality of people. With the consolidation of democracy in the nineteenth century, the concept of citizenship also broadened. In the modern era, citizenship is practiced as a concept that includes every individual without discrimination. Along with this, the concept of citizenship is changing due to the influence of globalization. In this background, the important issues that we as Indian citizens need to understand about the concept of citizenship are highlighted below.

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INTRODUCTION

The Kannada word Pauratva is the translation of the English word Citizen. The Latin word sies (Civis) is the root of both nouns. A citizen is a member of the state. However, to completely comprehend the meaning of citizenship, one must be persuaded of its broad, contemporary meaning and its confined, ancient meaning. Aside from this, the definitions of the terms "citizen," "political citizen," and "foreigner" make it easy to understand the concept of citizenship. Paura in the narrow or primitive sense means a city-dweller. Only those who were allowed to live in cities were eligible for citizenship, while workers, women, slaves or foreigners in villages were ineligible for citizenship. In ancient Greek cities only a few acquired citizenships, while the majority did not. The ancient Greeks had restricted citizenship, according to Aristotle, who claimed that citizens were only those who took part in the administration or justice of the state. In the broad or contemporary sense, everyone living on a state's territory—aside from foreigners—is a citizen. Citizenship is granted to everyone within a nation without distinction based on caste, sex, language, religion, or any other factor. Furthermore, everyone who lives in a city, town, village, or forest on its territory is regarded as a citizen of that nation. For instance, whether a person is wealthy or not, a man or a woman, an owner or a worker, or a resident of a city or a town inside India's borders, they are all considered citizens of India once they join the country. Modern citizenship is a universal concept that includes all on geographical basis, not just a few like the ancient concept of citizenship. A contemporary citizen not only enjoys the civil, political, social or economic rights provided by the state but also fulfills the duties

prescribed by the state. A significant point is that citizen or citizenship means a member of a state.

Difference Between Paura and PRAJE: Paura represents an honorable position in which a person can enjoy the civil and political rights of a country. But a praja represents a person to a despotic king. prajes should enjoy various freedoms and political rights as desired by the king. Thus, a Paura is a concept that implies subordination. In general, members of modern democratic republics are called Pauras and members of sovereign states are called prajes. Eg: Before 15 August 1947, Earlier India was under the British Crown so Indians were the prajes of the British Crown. Even today the people of Britain and Nepal are called prajes not called Paura.

Difference Between Citizen and Foreigner: Citizens of a state are those born and raised there, are citizens of that state, and live there permanently. However, those who are citizens of any state and are temporarily settled in another country are called foreigners. He is a foreigner in the country where he is temporarily resident. But he is a citizen of his motherland. The differences between citizen and foreigner can be explained as follows.

1. A citizen is a permanent resident of his country and a full member. A foreigner is a temporary resident or tourist.
2. Political rights are available to citizens. He can participate in voting. Can contest elections; Can hold a government post. A foreigner does not get these.
3. A citizen owes allegiance to his state. But a foreigner is a temporary member of another nation as a citizen. He should respect and obey the laws of the country where he is

temporarily residing.

4. The State Government can order an unwanted foreign national to leave the country for reasons like illegal activity, the expiration of their alien permit period, etc. Still, it cannot command a citizen to do the same.

Citizenship in India is easy to understand in light of the many aspects of the concept of citizenship explained above. What is special is that the Constitution of India does not define the concept of citizen. But many rules about citizenship are explained in the second part. Along with this, the Constitution of India has given importance to single citizenship and it has become a main feature of the constitution.

Methods of Obtaining Citizenship: There Are Two Ways to Get Citizenship.

They Are

- **Birth:** The rules for granting citizenship based on place of birth are found to be in practice. One is eligible for citizenship if one is born in a state. But it is argued that granting citizenship based on place of birth is illogical. Because there is a chance that the birth will happen accidentally in another country.
- **Naturalization:** Citizenship of a state can also be obtained through naturalization. After fulfilling the terms and conditions imposed by any country, they are eligible to get citizenship of that country. Naturalization rules vary from country to country, but the general rules are as follows:
- **Residence:** A citizen of one country can acquire the citizenship of another country if he resides in another country for a long time. The duration of this type of stay varies from country to country. In America and England, the period of continuous residence is 5 years, while in France this period is 10 years.
- **Marriage:** If a woman of a country marries a foreign man, she acquires the citizenship of her husband's country. But the husband does not get citizenship of his wife's country. Japan and some other countries are exceptions to this.
- **Foreign Government Service:** A citizen of a country can acquire citizenship of that country if he joins the foreign government service. Many countries do not induct foreigners into government service because of suspicions about their patriotism.
- **By Acquisition of Property:** If a person buys property in another country that country can grant him citizenship. Mexico has such a rule. But today's countries rarely allow foreigners to buy land.
- **By Petition:** Citizenship of another country can be obtained by submitting a prescribed application or petition. Thus, the petitioner has to fulfill certain obligations. Usually, the country granting citizenship wants the applicant to be of good character and not bankrupt.

Citizenship Act, 1955 and Amendments to Citizenship Act: Articles 5 to 11 of Part II of the Constitution of India describe the constitutional rights associated with citizenship. However, these constitutional opportunities do not involve a continuous and descriptive nature. Up to the time of the promulgation of the Constitution on 26 January 1950, these constitutional provisions gave great importance only to who was eligible for citizenship. Parliament is empowered to make laws under Article 11 of the Constitution to regulate the affairs of citizenship in post-independent India. Taking advantage of that opportunity, Parliament enacted the Citizenship Act in 1955 and enacted the Citizenship Regulations with retrospective effect from 26 January 1950. The Act has been amended in 1986, 1992, 2003, 2005 and 2019 to govern citizenship of India. The amended Citizenship Act chronologically describes the manner in which a person acquires and loses Indian citizenship in post-independence India. Thus, awareness of the Citizenship Act is necessary to understand the procedures in place for acquiring and

losing citizenship of India. Indian citizenship can be acquired in the following five ways as mentioned in this act.

Acquiring Citizenship/Obtaining Indian Citizenship: The Citizenship Act of 1955 lays down the conditions for obtaining citizenship as follows. They are:

- a. **Citizenship by Birth:** Every person born in India since 26th January 1950 becomes an Indian citizen by birth. Citizenship is granted to those born before 26 January 1950 (and settled in India).
- b. **Citizenship by Descent / Hereditary Citizenship:** A person born abroad after 26th January 1950, if his mother or father was a citizen of India at that time, he can also get Indian citizenship.
- c. **Citizenship by Registration:** By the Citizenship Act or the Indian Constitution, anyone who is not already a citizen and wishes to become one may register and acquire citizenship.
- d. **Citizenship by Naturalisation:** Foreigners can acquire citizenship by applying for citizenship to the President of India. In such a case, the applicant must have lived in India for at least five years and fulfill other requirements.
- e. **Citizenship by incorporation of new territory:** If any new territory is incorporated into the territory of India, the people of that territory will get citizenship of India by the order of the Government of India.

Procedure For Loss of Indian Citizenship Can Be Lost for Any Number of Reasons. Such Reasons Are:

- a. **Renunciation:** Any Indian citizen who acquires the citizenship of another country can voluntarily renounce the citizenship of India by declaring it through registration.
- b. **Termination:** If any citizen of India acquires the citizenship of a foreign country, his Indian citizenship is legally terminated without waiting for him to submit an application.
- c. **By Deprivation:** The Government of India can revoke the citizenship of a person if he/she has obtained citizenship of India by fraud or if he/she is involved in anti-national activities or disobedience to the Constitution of India. It is a forced ouster.

Overall, citizenship in post-independence India was governed by the Citizenship Act 1955, discussed briefly above. The regulations of the original Act have been changing with amendments to remove the defects of citizenship as per the need of the time. Although dual citizenship with 16 countries was permitted by the Citizenship Amendment Act of 2003, the Citizenship Amendment Act of 2015 aimed to end discrimination between Indians of Indian origin and non-resident Indians. The Citizenship Amendment Act of 2019 aims to grant Indian citizenship to Hindus, Christians, Sikhs, Buddhists, and Persians who came illegally from Pakistan, Bangladesh, and Afghanistan without proper documentation by December 30, 2014, because of recent religious persecution. The Citizenship Amendment Act of 2019 was particularly controversial because it excluded Muslims from this possibility.

Right to Information: The right to information refers to people's freedom to learn about government actions. The right to know the public can access files and papers pertaining to government operations, decisions, and functioning thanks to the right to information. In public administration, the right to information is opposed to privacy (secrecy). The World Bank published a report titled Governance and Development in 1992. The seven components of governance were identified in this document. Among them are information and transparency.

Significance: Democracy today is not limited to citizens voting in periodic elections. Information should be available to citizens about how the affairs of the government are conducted and by what laws the citizens are governed. Democracy becomes successful and meaningful only when the citizens are informed about all the

activities of the government like government policies, decisions, programs etc. which greatly affect the daily activities of the people. This is possible by giving citizens the right to information. Right to Information is helpful in creating awareness about corruption, abuse of power and maladministration. Right to Information has acquired its own importance for the following reasons.

- a. Right to Information makes governance more accountable to citizens.
- b. It reduces the gap between governance and people.
- c. It makes people aware of administrative decisions.
- d. It enables people to get better service through the civil service category.
- e. Right to information allows citizens to constructively criticize the administration.
- f. Right to Information enhances people's participation in governance.
- g. Right to Information safeguards public interest by curbing arbitrary taking of administrative decisions.
- h. RTI reduces corruption in governance.
- i. Right to Information strengthens democracy by facilitating openness and transparency in governance.
- j. Right to Information encourages the administration to be more responsive to the needs and aspirations of the citizens.

Right to Information Reduces Potential Abuse of Power by Government Officials: Objectives of the Right to Information Act: The right to information is the ability of citizens to ask questions of the public or government administration of a country in order to obtain information. Sweden was the first nation in the world to grant its citizens this right, and citizens of India now have the right to information with the hope of achieving the following objectives.

1. Establishment of good governance or Rama Rajya here by giving opportunity to citizens to question.
2. To achieve transparency, accountability and responsibility in the governance of the country.
3. To eliminate corruption and provide favorable governance to the citizens.
4. Changing the attitude of bureaucrats towards common people.

Features of Right to Information Act: There were 31 provisions, 6 chapters, and 2 schedules in the Right to Information Act of 2005. This Act had numerous revisions in 2019. The key components of India's Right to Information Act are listed below.

- i. Every citizen has access to public sector information. The concerned should provide the information sought by a citizen within 30 days.
- ii. Citizens should submit a request to the State or Central Public Information Officer stating the information they want.
- iii. Official secrecy of 1923 which restricted the provision of information to citizens
- iv. The Act was repealed with the enactment of the Right to Information Act.
- v. In order to provide right to information to the citizens, three levels namely Public Relations Officer, State level appeal level and Central Information Commission have been adopted.
- vi. When the information is not received from the concerned public officer within 30 days of submitting the request for providing information, the citizen can appeal to the appellate stage i.e. State Information Commission.
- vii. Constitutional bodies such as Central and State Legislatures, Supreme and High Courts, Boards of Government-owned Corporations, Government-aided Private Institutions and Private Institutions of Public Utility provide information to citizens under Right to Information 3. have to give
- viii. In pursuance of section 8 of this Act the Government may, by notification, exclude the information of the Central Intelligence Agency, some branch of the security affairs or other principal agencies from the scope of the citizen's right to information.

Right to Information in Different Countries of the World: The world's first nation to guarantee the right to information is Sweden. This country's constitution, which was drafted in 1766, gave its residents the right to information. In 1951, Finland passed the Freedom of Information Act. In 1970, the Freedom of Information Acts were passed in Denmark and Norway. With the passage of the Freedom of Information Act in 1966, the United States of America granted its citizens the access to information. In the 1970s, similar laws were passed in France, the Netherlands, and Austria. To grant their inhabitants the freedom to information, Canada, Australia, and New Zealand passed Freedom of Information Acts in 1982, Thailand, Iceland, and Ballaria in 1997, 2000, and 1997, respectively. On January 1, 2005, the UK's Freedom of Information Act went into existence.

Right to Information Act in India: The Indian Constitution contains no explicit clause stating that citizens have a right to knowledge. However, since 1975, the Supreme Court has maintained that the right to knowledge is an inherent component of the two fundamental rights protected by the Constitution: the right to life and personal liberty, as well as the freedom of expression and opinion (Article 19). During socialist and colonial rule, the British government enacted the Official Secrecy Act. The Act was enacted by the British government to ensure that people do not become aware of their illegal, inhuman and repressive regime. Such an act was necessary to continue their rule in India. But unfortunately, the Official Secrets Act continued for nearly 50 years even after independence. As a result, cases of abuse of power increased. Codes of Conduct of Government Servants in India such as Government Secrets Act (1923), Indian Secrets Act (1872), All India Services (Conduct) Rules (1954), Central Civil Services (Conduct) Rules (1955), Railway Services (Conduct) Rules 1956 etc. Restricts employees from disclosing information related to government affairs. Since 1990, many efforts have been made to ensure citizens' right to information by amending the Official Secrets Act in India. The Fifth Pay Commission (1994-97) recommended repeal of the Government Secrets Act and implementation of the Right to Information Act.

Central Right to Information Act 2005: In May 2005, the Right to Information Act (the Act) was passed by the Indian Parliament. October 13, 2005 was the date on which this Act became operative. The previous Freedom of Information Act 2002 was superseded by this new law. The Supreme Court has often ruled that the freedom to information is a constitutionally guaranteed fundamental right. Freedom of expression, freedom of the press, and freedom of information are all considered fundamental rights under Article 19 (1) (a) of the Constitution. All Indian citizens now have the right to knowledge about government policies, actions, initiatives, and other activities thanks to this statute. This act mandates that all public authorities spread this kind of information. This act aims to establish accountability and openness in the operations of all public authorities. The Right to Information Act of 2005 applies to the Central Government, State Governments, Panchayat Raj bodies, other local authorities, government-owned controlled bodies, and government-aided bodies. The following are some of this Act's provisions.

1. This Act provides for the appointment of one Information Officer in each Department to provide information to the public on request.
2. According to this Act the Information Officer shall provide the information sought by the public within 30 days of the application. But a deadline of 48 hours has been given to provide information related to the life or liberty of a person.
3. Information will be provided free of cost to people living below the poverty line. Information will be given to others by charging a reasonable fee.
4. According to this Act it is the duty of the public servants to disclose information voluntarily i.e., without any request from the public. The aim is to reduce the volume of requests for information from the public.
5. Government organizations should publish details regarding pay and advance letter given to staff.

6. Provision is made for establishment of Central Information Commission and State Information Commissions for effective implementation of the provisions of this Act. These commissions are independent high-level bodies with the powers of Civil Courts and act as appellate authorities.
7. The President appoints the Chief Information Commissioner. The Governor appoints the State Information Commissioner. Their tenure is 5 years.
8. The Chief Information Commissioner has the status of Chief Election Commissioner and is selected by a Panel comprising the Prime Minister, the Leader of the Opposition in the Lok Sabha and a Minister nominated by the Prime Minister.
 - a. The Chief Information Commissioner and the State Information Commissioners shall publish an annual report on the implementation of the Right to Information Act. This report shall be tabled in the Parliament and the State Legislatures.
9. This Act repeals the Official Secrets Act. If the public interest outweighs that of the protected individual, the Information Commission may provide the information.
10. The Information Commission may impose a fine of Rs.25 per day up to a maximum of Rs.25,000 on an officer who delays in furnishing information without reason. Delay here means failure to provide information within 30 days of application.
11. If the authorities refuse to provide information, the following is the rule to be followed for filing appeals. The first appeal should be submitted to the superior of the Public Information Officer. The second appeal should be filed with the Information Commission and the third appeal with the High Court.
12. Intelligence Department, Research and Analysis Unit (RAW), Border Security Force, Central Industrial Security Force (CISF) and National Security Force (NSG) are not covered by this Act. But allegations of corruption or human rights violations made against these organizations are not excluded from the purview of the Information Act.
13. The Right to Information Act provides exemption from disclosure of information relating to the following matters.
 - a) Information prejudicial to the unity and integrity of India,
 - b) Information related to Cabinet documents.
 - c) Information that could jeopardize of the right of Parliament or a State Legislature.
 - d) Information that could jeopardize Centre-State relations.
 - e) Information that could jeopardize to public security and order.

State Right to Information Act: Even before the Central RTI Act was passed, some states had enacted their own RTI Acts. Tamil Nadu is the first state in this regard. Right to Information Act was enacted in different states in different years. Here is the related explanation.

Sl. No	State	Year of Effectiveness
1	Tamil Nadu	1997
2	Goa	1997
3	Rajasthan	2000
4	Karnataka	2000
5	Delhi	2001
6	Maharashtra	2002
7	Assam	2002
8	Madhya Pradesh	2003
9	Jammu and Kashmir	2004

A new, enhanced Right to Information Act was passed in Maharashtra in 2002 after repealing the previous one. Even though Rajasthan's Right to Information Act went into effect in 2000, the fight to put it into effect began in Maharashtra in the early 1990s when Arun Roy founded the Right to Information movement.

Civil Society: From the time of the Greek philosopher Aristotle until the 18th century, the terms state and civil society were used synonymously. In the 16th and 17th centuries, social contracts such as Hobs, Locke and Rousseau pioneered the concept of civil society. Civil society was identified in the thinking of social contractarians

who separated humans from the natural state. Hobb described the existence of human beings in the state of nature as selfishness, violence, cruelty, and poverty, from which human beings created a civilized society. John Locke also asserted that civil society was formed when mankind emerged from anarchy in the state of nature and had a constitutional government. Thus, the civil society of Hobbes and Locke was equivalent to the concept of the state. Before using the term civil society in the modern sense, Hegel clearly distinguished state and civil society in his 1821 treatise Philosophy of Rights. Later, Alexis Detoxilla, Karl Marx, Engels, Antonio Gramsci contributed significantly to the development of the concept of civil society. At present in all countries of the world there exists a mature concept of civil society distinct from the state.

Meaning of Civil Society: In simple sense, a community of people engaged in collective activities to achieve common objectives is called civil society. Civil society represents an institutional system other than the family and the state. Further, the institutional system that mediates between the state and society can be called civil society. In broad sense, civil society can be defined as non-governmental organizations of people organized to fulfill their needs or objectives by the government. Civil society includes voluntary associations that are actively and positively engaged in the social, economic, political etc. spheres of society. Civil society is a broad concept that includes various non-state organizations and groups. A country's civil society structure includes a myriad of non-state interest groups, including non-governmental organizations, trade unions, professional groups, and religious organizations. A point to note is that Institutions like the Election Commission, Parliament, Supreme Court etc. cannot be called civil society according to the constitution. Civil society opposing authoritarianism is always active in contemporary liberal democracies. Eg: India Against Karappan against corruption in India, various farmers' organizations against Regional Economic Cooperation Agreement, women's groups against violence against women, student organizations against Donation Havali are active. Collectively, civil society is a system of self-organizing institutions based on the individual, the family, and the universal base not belonging to the state. After the 18th century, the state and civil society were distinguished and separated. Although separate from the state, civil society acts as a bridge between the individual and the state.

Characteristics of Civil Society: In order to have a perfect understanding of the civil society which has its arc in various spheres of society, it is essential to be convinced of its main features. Thus, for a clear concept of civil society its features are listed below.

- Formation By Self-Organized Bodies:
- Representation of Non-State Bodies:
- Wide Scope of Work:
- Demands of Universal Nature:
- Not Free from State Control:

Importance of Civil Society: The idea is that civil society can solve all of society's problems. As a result, civil society is present in all liberal nations today. By assuming the function of the null state, civil society aims to equalize the state's significance. Against this backdrop, civil society's role is growing daily. The importance of civil society's function in a nation's numerous disciplines is briefly described here, which is intriguing.

Efforts for Public Awareness: Civil society tries to create awareness among the citizens about the pressing challenges facing the country. Civil society takes the lead in drawing people's attention to issues that are and can be problematic for civil life. This makes citizens aware of the government's decision, policy or programs and their pros and cons. So, we as citizens have to be actively involved in the civil society.

Social Transformation: Governments work to eliminate problems and change a nation's culture. It will be simpler to implement social change if civil society cooperates with the government and

understands its good intentions. The only society capable of overcoming the old problems is a conscious civil society. For instance, the central government's Swachh Bharat Abhiyan was successful in India, and civil society played a significant role in keeping the country clean. Similarly, society changed due to civil society's involvement in the development of Beyale Bahirdesi Mukht Bharat. Further, the contribution of active civil society can be seen to remove social stigmas like child marriage, child labour, untouchability, servitude etc. rather than government legislation. Participation of civil society in the transformation of society has the potential to yield better results than total state legislation.

Assertion of Rights: Civil society strongly asserts the essential rights of the individual. Civil society seeks to provide civil and economic rights such as right of expression, right of movement, right of assembly, right of employment, right of property. Also, if the government moves to curtail the rights already granted, it will oppose those steps. Civil society provides primary protection for the rights necessary for the well-ordered life of the citizens as a whole.

Condemnation of Authoritarianism: Civil society does not accept the authoritarian attitude of the government. Civil society forms a movement against anti-people decisions, policies and programs of governments. In addition, civil society resists state oppression by advocating pluralism.

Motivation for Political Participation: Civil society motivates people to participate in politics. One cannot deny the contribution of civil society indirectly to enable citizens to vote in greater numbers, to empower the disadvantaged through a balanced cabinet, to enable women to participate through reservation. Apart from this, civil society creates political leaders to correct the deteriorated political system. Eg: Arvind Kejriwal of Delhi's Aam Aadmi Party's political leadership can be traced back to civil society.

Conservation Of Environment: The role of civil society in the protection of a healthy or clean environment and biological diversity can be recognized. Civil society has organized many struggles for the protection of environment like Chisko Movement, Narmada Bachao Movement, Save Western Ghats Movement. Civil society also tries to prevent cow slaughter, poaching, animal and bird sacrifices and strive for biological balance.

Protection of Human Rights: The contribution of civil society in the protection of human rights is indescribable, civil society strives to protect the rights of minorities from the tyranny of the majority. Continues to condemn the violation of human rights of the weaker sections of the society. Civil society supports the rights and freedoms of special communities like the disabled, children, tribals, women etc. Interestingly, civil society also prioritizes the human rights of criminals by condemning encounters and lockup deaths.

Strengthening of Democracy: Civil society works day and night for the advancement of citizens. Civil society alerts the government when the government forgets public decisions and policies. as well as between the citizens and the government. Civil society strives for public welfare through mediation. Through this civil society helps in the success of democracy.

Cooperation in Times of Crisis: Civil society organizations offer to cooperate with the government when the country faces an emergency. In case of war or foreign invasion, they obey the government's call. Eg: During the Kargil invasion, the civil society obeyed various instructions and wishes of the government.

Similarly, when the country faces challenges like drought, flood, earthquake, the civil society rushes to the aid of the government and the victims in various forms. Eg: When the government announced a lockdown due to covid virus, the civil society came forward to help by distributing food packets, distributing masks, providing kits of essential items etc.

Global Peace: International peace is essential to domestic peace. In this regard, many organizations of civil society are cooperative. Civil society urges the government to abandon its stockpile of weapons, resolve disputes through peaceful negotiations, and adhere to disarmament. Above this the importance of civil society is briefly discussed. Directly or indirectly civil society works day and night for the welfare of citizens. In this context we need to continuously join hands with the civil society. Our active participation will increase the strength of civil society and lead to the strengthening of the country.

CONCLUSION

The respective country considers all persons residing in any city, town, village or forest within its territory as citizens. Eg: Rich or poor, male or female, owner or laborer, city or village dweller within the borders of India, they are all citizens of India as they become members of India. Modern citizenship is a universal concept that includes all on geographical basis, not just a few like the ancient concept of citizenship. A contemporary citizen not only enjoys the civil, political, social or economic rights provided by the state but also fulfills the duties prescribed by the state. A significant point is that citizen or citizenship means a member of a state.

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