



THE BRIEFCASE



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NEWSLETTER

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Here's what is coming your way!

'The Briefcase' returns with an edition exploring one of the most contentious topics on today's political aisle: citizenship. Far from a mere bureaucratic status, citizenship is the fundamental medium through which people exercise democratic power, allowing individuals to participate in governance and hold power to account.

As the world enters a period of political turmoil, critical questions are rising: Who should be considered a citizen? What should the requirements be? Who gets to decide? As democracies navigate complex social realities, issues surrounding inclusion, state authority, and how legal status changes lives have become paramount.

This edition examines the evolving landscape of citizenship through contemporary legal and constitutional issues. From legislative changes and judicial decisions to political maneuvers, our contributors explore the many ways in which citizenship laws affect people around the world.

By approaching citizenship through rights, identity, and accountability, this issue invites readers to consider how inclusion and exclusion shape a functioning society. Through analyses of new laws, court rulings, and modern debates, these pieces highlight a fundamental principle: the strength of a democracy is tested by how it defines its people and grants them a voice.

We invite you to explore this edition with curiosity and reflection.

The Editorial Board x

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THE BINDER

Your essential collection of the latest legal updates, neatly organised for a quick reference.

Deportation Without Nationality: The Rajubala Das Precedent

Rajendra Das was declared to be a foreigner by the Foreigners Tribunal in Morigaon in 2011, nearly a decade later his wife Rajubala stood before the gates of the Supreme Court asking a single question: how long could her husband be detained when deportation was not realistically foreseeable? The Supreme Court heard her petition and on 22nd January, 2025 opined that indefinite detention without the prospect of deportation is violative of Article 21. In light of these circumstances the Supreme Court vide its orders in February and March called upon the Union to explain what happens to those declared to be foreigners but are of unverifiable nationality. The Union answered by filing an affidavit nearly 17 months later on 31st July, 2026.

What the Affidavit concedes?

- The affidavit sets out that once a person is found to be a foreigner, he/she cannot be deported unless the following three conditions are met:
- His nationality must be determined and then verified
- Travel documents must be facilitated by the concerned state.
- The receiving state must agree to receive the person.

It distinguishes between two categories of individuals one whose nationality is known but remains undocumented; which is a solvable problem and the other whose nationality itself remains unverified. The affidavit makes ascertainment and verification of nationality of the deportee a legal prerequisite, and not merely a procedural requirement.

The Part that was left Unanswered

While the affidavit sheds light on the procedure for lawful deportation it fails to clarify several critical aspects surrounding the said procedure, most crucial among them is the fate of those individuals whose identity has been verified but the receiving country refuses to accept them and those whose nationality cannot be ascertained.

Under Indian Jurisprudence, Right to Life as enshrined under Article 21 of the Constitution is believed to be an intrinsic part of human existence which is not conferred by the Constitution but rather reaffirmed and protected by it. In *National Human Rights Commission v. State of Arunachal Pradesh*, (1996) 1 SCC 742, it was held that the wordings used in the Article speak of 'any person' and not 'citizen' and as such, this right is available to citizens and non-citizens alike. Thus, a person whose nationality is unverified or whose home country refuses to accept them is not devoid of this protection, as reaffirmed by the Constitution. This is the very question pending before the Apex Court in the case of *Rajubala Das* which remains unanswered even after filing of the Affidavit by the Union. The constant detention without any prospect of deportation violates the Right to Life of these individuals not due to violation of procedure established by law but rather due to lack thereof.

Assam: Where Precedent meets Practice

According to the affidavit, the procedure for verification of Nationality is to be undertaken by the Union through appropriate diplomatic channels and not by the States themselves. In light of the procedure laid out by the affidavit it is important to draw our attention to the ground reality. Bangladesh, which is alleged to be the home country for the majority of these individuals, has explicitly stated that it will accept individuals only in cases where verifiable proof exists of the Bangladeshi citizenship. The Bangladeshi Home Minister in 2026 has stated that illegal push-ins from India won't be accepted and any list of suspected Bangladeshi Nationals should be shared with them via official channels. Bangladesh alleges that India has been sending individuals through remote





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areas where there is no or scattered presence of Bangladeshi forces. Assam's Chief Minister has all but confirmed these allegations when he stated that the push back approach exists specifically due to the slow pace of the legal process. This in light of the affidavit is not merely a gap in enforcement but rather violation of the established procedure that mandates consent of the receiving state as a prerequisite to deportation.

Testing the State's case

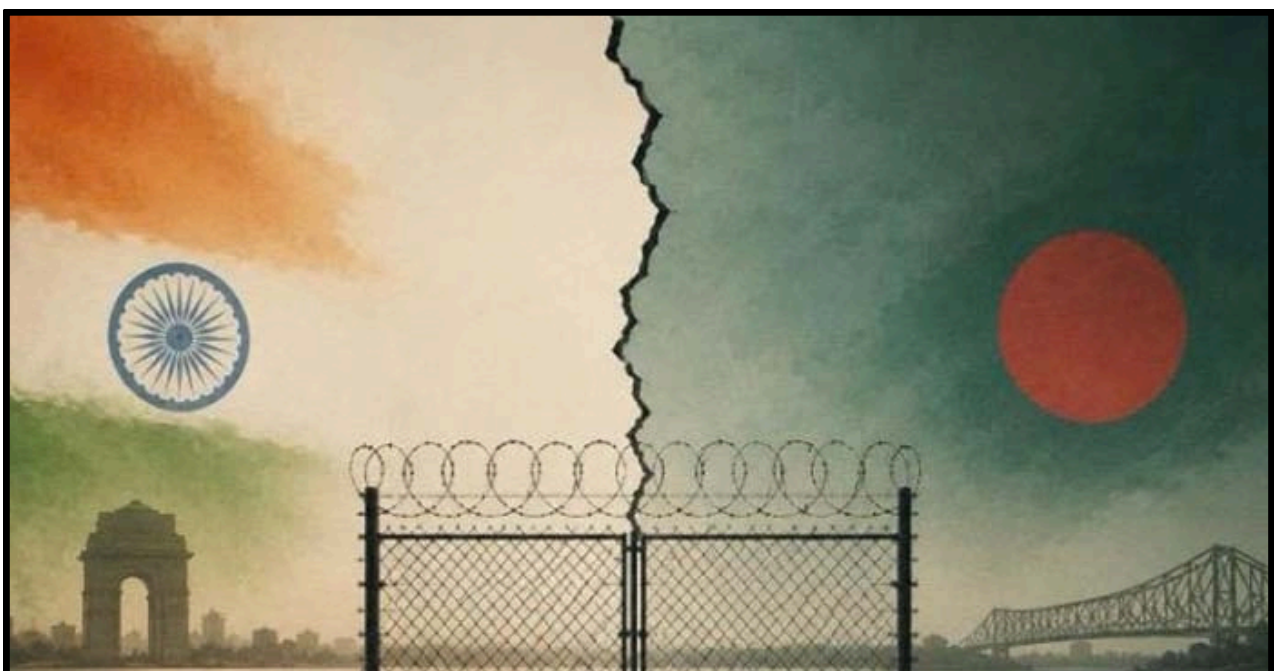
The push back approach by Assam is not without any rationale. Formal deportation, even in cases where nationality is verified, is a long and tedious process which can take years to complete, leaving the detainees in a limbo, which becomes even longer when their nationality is unknown. In such cases, where the nationality is unknown or where the receiving state is not accepting them back these detainees are to be provided with all the basic necessities to enable them to live a dignified life, raising an uncomfortable question as to how a country with strained resources unable to meet the needs of its own citizen justify sustaining an obligation towards non-citizens?

Nonetheless, this concern despite its genuineness is a policy argument masquerading as a Constitutional one. This argument whereby the state seeks to discharge itself of its constitutional duty under the guise of administrative or financial burden is not tenable and the same has been decreed by the courts, when the same argument was used, in the defence of overcrowding and inadequate health care facilities in prisons. The discomfort provoked by this question sharpens the case for urgency. A state that finds indefinite maintenance of these individuals untenable has every reason to expedite verification and diplomatic process and cannot abandon due process in favour of unlawful expulsion.

Conclusion

This is precisely what's at stake in the captioned case. The question raised by Rajubala Das still remains unanswered. Though the Union in its affidavit stated that it cannot detain a person indefinitely when deportation was not realistically foreseeable it failed to outline the procedure, timeline as well as the remedy available to those awaiting resolution. The concern raised in the present case is not limited to one individual. Rather it's a test to see whether the State takes the easy route by opting for the pushback method or takes the difficult one characterised by legal requirements of verification, consent of the receiving state and due process.

Mr. Aryan Shah
Student, 5th Year



Credit: Bangladesh Institute for Judicial Advancement



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Comparing India's CAA with International Refugee Protection Frameworks.

Introduction

The Citizenship Amendment Act (CAA) notified by the Indian Parliament on December 12th, 2019, sought to expedite citizenship for religious minorities who entered India prior to December 2014 from Bangladesh, Pakistan, and Afghanistan. Despite addressing the historical grievances of some groups, the Act has been criticised for its selective criteria, which exclude other vulnerable communities and fall short of the international requirements for refugee protection. India is not a signatory to the 1951 Refugee Convention and the 1967 Protocol, and it has signed but not ratified the 1984 Convention Against Torture (signed in 1997), which also contains the principle of non-refoulement.

CAA differs from International Refugee protection in terms of protection. Rather than offering protection based only on nationality or membership in a specific religious community, the 1951 Refugee Convention concentrates on the individual's circumstances. CAA on the other hand provides a facilitated route for Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Bangladesh, Pakistan and Afghanistan. This legislation identifies particular religious communities (Hindus, Sikhs, Buddhists, Jains, Parsis, Christian) /countries of origin who entered India on or before 31 December 2014.

International Refugee Protection Frameworks:

International Humanitarian Law, International Human Rights Legislation, the Universal Declaration of Human Rights (UDHR), and several related treaties form the foundation of international refugee protection. Chief among these is the 1951 Convention Relating to the Status of Refugees, which serves as the primary governing document by defining who qualifies as a refugee and outlining their rights.

International Refugee Protection is important because, in some circumstances, people are compelled to flee their own countries as they cannot rely on their own governments to uphold their fundamental rights. The international community helps by stepping in to protect them when national protection fails.

The United Nations High Commissioner for Refugees (UNHCR) created by the UN after World War II, was created for the purpose of protecting refugees internationally and looking for long-term solutions.

International Humanitarian Law, International Human Rights legislation, the Universal Declaration of Human Rights, various other treaties and declarations which have relevance to the refugees serve as the foundation for the International Refugee Protection. The 1951 Convention serves as the main document because it highlights who is considered a refugee and sets minimum requirements for the treatment of refugees. The original Refugee Convention when first created had geographical and temporal restrictions in response to relocation after World War II. These restrictions were later lifted by the 1967 Protocol, which made the Convention applicable to refugees resulting from future global events.

Non-refoulement lies at the heart of refugee protection. As per this principle, a state cannot send a refugee back to a nation where their freedom or life would be in danger due to their ethnicity, religion, nationality, affiliation with a specific social group, or political beliefs. Along with mandating States to collaborate with the international protection system, the Convention also sets a number of rights and criteria pertaining to refugees.



Credit: UNHCR



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The International framework has evolved beyond the 1951 Convention. In reaction to specific situations, regional instruments have increased refugee protection. Two great examples of the same are the Cartagena Declaration in Latin America and the 1969 OAU Convention in Africa. These regional methods acknowledge that situations like armed conflict, foreign aggression, widespread violence, or significant disruptions of public order can sometimes lead to forced displacement in addition to individual persecution.

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Another crucial element of the system is national legislation. States are in charge of putting international principles into practice through their own laws and processes, including those that determine a person's status as a refugee. Access to safety, equitable procedures, compassionate treatment, and protection from refoulement are all essential components of effective asylum systems.

In order to protect refugees from Bangladesh, Afghanistan and Pakistan, CAA acts as a good measure, but it is also to be noted that it cannot be said to be a comprehensive framework for refugee protection. In my opinion the current framework available in India is not adequate and there is an urgent need for a better and more thorough and inclusive refugee law protecting refugees irrespective of background.

**Ms. Tasneem Bhopalwala,
Student, 5th Year**



Credit: Indian Express

THE GAVEL



The strike of the mallet, in recent judgements, summarised for easy reading.

Citizenship on Trial: How the Supreme Court Reined in Assam's Tribunals

Introduction:

For years, the northeastern states like Assam, have seen an influx of migration from the bordering countries, leading to the establishment of Foreigners Tribunals. Quasi-judicial in character, the Foreigners Tribunals, were established under Section 3 of the Foreigners' Act of 1946, through The Foreigners (Tribunals) Order of 1964, for mandating the local state authorities to refer to the tribunals a person suspected of being a foreigner for their determination as such. While the applicability of the Order extends throughout India, Assam is the only state where Foreigners Tribunals actually exist and operate in.

In the case of Sabitri Dey @ Swasthi Dey & Ors. v. Union of India & Ors. (2026), the Hon'ble Supreme dealt with a batch of 27 appeals contesting the judgements upholding opinions of Foreigners Tribunals in Assam, and in older matters, the opinions of the erstwhile Illegal Migrants (Determination) Tribunals. In the principal matter of the present case, Sabitri Dey along with her late husband and two children were declared illegal migrants in 1997 by the Illegal Migrants (Determination) Tribunal in an ex parte proceeding. The contention in this and the other cases was that the opinions declaring them as illegal migrants were pronounced in proceedings which were either ex parte or had become effectively ex parte, withholding from them an opportunity to prove their citizenship.

Legal Issues:

Whether an ex parte or effectively ex parte proceeding can result in a mechanical declaration of foreigner status without the Tribunal satisfying itself that the minimum requirements of lawful and fair adjudication have been met?

Court's Ruling:

The Hon'ble Supreme Court firstly tackled the question of Section 9 of the Foreigners' Act of 1946, since the State leaned on this provision to justify the opinions of the Tribunals.

According to this Section, in case of any reservation as to the identity of a person as a foreigner, the burden of proof to prove otherwise lies on him alone. This, however, does not equate to a mechanical proclamation solely on the grounds of a case being referred to the Tribunal. Relying on the Supreme Court's judgement in Md. Rahim Ali @ Abdur Rahim v. State of Assam and Ors., the Court held that the absence of a person does not adduce to his identity as a foreigner, and that he should be informed of the primary allegations against him. A person's absenteeism from the proceedings might exempt him from participating in it, but the Tribunals are duty-bound to carry out a material adjudication. The Court opined that the manner in which the Tribunals conducted ex parte proceedings might lead to adverse consequences, including but not limited to the possibility of statelessness. Thus, Section 9 of the Act does not preclude the principles of natural justice from its ambit; consideration must be given to Constitutional values for the prerequisite of a fair adjudication by the Tribunals. The Fundamental Rights under Articles 14 and 21 extend to every person in the Indian territory. Even if a person referred to the Tribunals fails to prove his Indian citizenship, the proceeding for such a determination must be consistent with the Constitutional principles of "fairness, reasonableness and non-arbitrariness".

Conclusion:

The judgement provides procedural security especially in volatile border regions. The ex parte proceedings declaring a person not a citizen of India, simply because of their absence was rightly held to be unjust as it defied the Constitutional principles of natural justice. Notwithstanding his ability to prove so, the State and its machineries must strive to afford a person due process of law to determine his national citizenship, albeit the onus to prove his citizenship remains on him alone. The judgement, thus, calls for administrative responsibility and accountability, emphasising sustaining the security of the State, while upholding Constitutional protections for every individual within the territory of India.

Ms. Ishwari Salunkhe
Student, 5th Year

THE GAVEL



The strike of the mallet, in recent judgements, summarised for easy reading.

Limits of the Executive Branch: Why Presidential Orders Cannot Redefine Birthright Citizenship – *Trump v. Barbara* (2026)

Introduction:

In *Trump v. Barbara*, 609 U.S. No. 25–365 (2026), the United States Supreme Court examined President Trump's constitutional authority in deciding who is entitled to citizenship at birth. This case stems from President Donald Trump's Jan. 20, 2026, executive order, "Protecting the Meaning and Value of American Citizenship." The Order aimed to restrict automatic citizenship to some children who were born in the United States to mothers who were "unlawfully present" or "lawfully, but temporarily present," and fathers who were "not U.S. citizens" or "not lawful permanent residents." The challengers said that the Order violated the Citizenship Clause of the Fourteenth Amendment, which reads, "all persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens." The District Court for the District of New Hampshire agreed and issued a preliminary injunction against enforcement of the Order. The Supreme Court granted certiorari before judgment to address the constitutional issue.

Legal Issues

The question before the court was whether children born in the United States to parents who are illegally or temporarily present in the United States are "subject to the jurisdiction" of the United States under the Fourteenth Amendment. Another question that arose was the extent of executive power.

The Administration contended that the Citizenship Clause meant no more than it said, and that "subject to the jurisdiction" imposed a higher requirement on the child than mere physical presence in the U.S. that is, it included the concept of allegiance and "where parents reside." The challengers, on the other hand, argued that the wording of the Constitution and the understanding of the "right of the soil" or "citizenship by birth" made citizenship available to virtually everyone born on U.S. soil, with limited historical exceptions.

Court's Ruling

On October 30, 2026, the U.S. Supreme Court ruled 6–3 in *Trump v. Barbara* to strike down President Trump's executive order attempting to end birthright citizenship for children born in the U.S. to undocumented or temporary-visa parents.

Writing for the majority, Chief Justice John Roberts ruled that the long-held principle of the Court was correct: children born on American soil are American citizens and are subject to American law. In reaching this decision, the justices considered the history of the concept of *jus soli* (citizenship by place of birth) from English common law to American law and the acceptance of the Fourteenth Amendment. A significant aspect of the Court's ruling was the precedent it relied on from the previous case of *United States v. Wong Kim Ark* (1898), which had solidified the idea that children of non-citizen parents were legal citizens of the U.S.

The Court did not agree that there was a separate requirement for citizenship as a result of the parent's legal status because the Constitution's text contains no such restriction. Finally, the ruling was that the President may not avoid a constitutional guarantee with an executive order. Although, for the record, the justices did not explicitly say that a constitutional amendment is necessary to alter birthright citizenship, their reasoning simply implies that the Executive Branch of the government does not have the power to do it.



THE GAVEL



The strike of the mallet, in recent judgements, summarised for easy reading.

Conclusion

Trump v. Barbara is a noteworthy judgment because it restates that executive power is subject to constitutional constraints. The ruling maintains the interpretation of "citizenship by birth" and will not allow the President to limit a constitutional right without legislation. It also demonstrates the judiciary's role in protecting the separation of powers in the Constitution, as the executive cannot act to the detriment of the Constitution's text and precedent. More generally, the ruling points out that the Constitution cannot be amended simply by the interpretation of the Executive. To change the constitutional principles of citizenship at the fundamental level would have to be done in a legal, constitutional, and legislative manner, not through executive action. This ruling is thus another significant affirmation of the supremacy of the Constitution and the constraints on executive power.

"Citizenship, then and now, was the right to have rights to freely participate in our political community."
- Justice Chief Justice John Roberts, U.S. Supreme Court, Trump vs. Barbara (2026)

Ms. Nirvi Mistry
Student, 5th Year



Credit: The Daily Texan

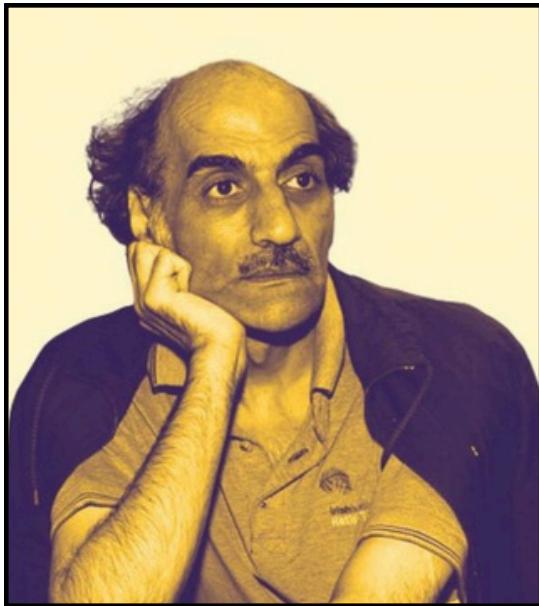
THE COMMENTARY



Straight from the commentary box of our editorial board, curated reads & finds to expand your legal mind.

The Terminal (2004), directed by Steven Spielberg

The Terminal explores citizenship not by showing someone exercising it, but by showing the absurd reality of someone who has lost the practical meaning of it entirely.



Credit: Medium

When we discuss citizenship, our minds naturally gravitate towards formal instruments like passports and birth certificates. Yet Steven Spielberg's 2004 comedy-drama *The Terminal* asks a far more unsettling question: what happens when the state guaranteeing your legal identity disappears overnight? Tom Hanks plays Viktor Navorski, a traveller from the fictional nation of Krakozhia who lands at New York's JFK airport as a coup delegitimizes his home government, because his country has effectively ceased to exist, Viktor cannot enter the United States, nor can he return home. He is caught in a legal vacuum, a citizen of a state that can no longer shield him, yet barred from the rights of the country where he physically stands.

The Terminal exposes how fragile the bond between a citizen and their state is. Viktor's identity remains intact, yet the geopolitical shift renders his citizenship entirely unusable.

He becomes neither an admissible visitor, not a deportable alien but in the words of the airport's customs director, a man who exists in "a technical, uh, complication." This echoes Hannah Arendt's concept of statelessness: the terrifying loss of "the right to have rights," wherein a person drops out of the legal framework that makes basic human protections enforceable.

What makes the film compelling is its transformation of an airport into a space where Viktor builds a life. Unable to cross the border, he earns money, helps others and forms relationships. This film shows that while the State grants legal status, a sense of belonging can be created through community.

The movie softens its harsh premise, giving Viktor a resolution rarely seen in real life. Yet, this difference between the film and reality is what makes the story so interesting. The Terminal raises a difficult question: what are you, in the eyes of the world, when no country can or will claim you? The film answers with kindness and humanity, while the real world of immigration and citizenship law is often far less forgiving.

Ms. Rachna Verma,
Alumnus, SVKM's PGCL.



Credit: IMDb

THE COMMENTARY



Straight from the commentary box of our editorial board, curated reads & finds to expand your legal mind.

Mark your Ballot

Three picks worth a citizens's time: one book, one movie and one series

Recommendation Ballot

Mark the box beside each pick

Constituency : Readers, viewers and binge-watchers

Polling day: This issue

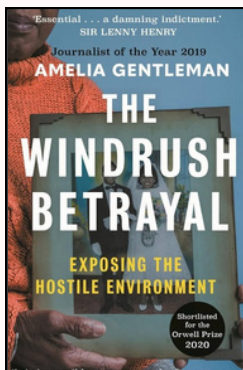
Keep this stub for your records

No. 000 003



Human Flow (2017)

Directed by artist and activist Ai Weiwei, Human Flow is more than just a documentary on the global refugee crisis. At its heart, it's about what happens when the world stops agreeing on who counts as one of its own. The film moves from crowded fishing boats to camps stretching past the horizon, refusing to let the crisis stay a statistic. It's a haunting reminder that belonging shouldn't depend on which side of a border you were standing on when you had to run.

☐


The Windrush Betrayal (2019)

The Windrush Betrayal stars Paulette Wilson and Anthony Bryan, and is written by Amelia Gentleman. The book focuses on British residents whose lives were upended by government immigration policies. The story is inspired by the real-life scandals that wrongfully targeted and threatened with deportation the generations who arrived from the Caribbean.

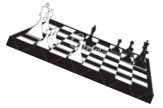
☐


Stateless (2020)

Stateless starring Yvonne Strahovski, Jai Courtney, Asher Keddie, Fayssal Bazzi, Dominic West, and co-created and produced by Cate Blanchett. The drama focuses on four strangers whose lives collide in an immigration detention center in the Australian desert. The central story is inspired by the real-life case of an Australian citizen who was unlawfully detained in 2004.

☐

THE BLACK & THE WHITE



A legal chessboard of diverse opinions, which shade of justice are you going to checkmate?

Special Intensive Revision in Bihar "Is Old Roll a Fair Yardstick?"

What is SIR and why was it created?

Special Intensive Revision (SIR) is a process by which the Election Commission of India (ECI) verifies electoral rolls. It stems from provisions of Section 21(3) of Representation of the People Act, 1950, and Article 324 of the Constitution of India, which empower the ECI to conduct a "special revision" on specified grounds, as recorded. The purpose of the exercise, as stated, is to keep electoral registers accurate by including citizens who meet the eligibility criteria and identifying deceased persons, persons who have moved, duplicate entries, and persons who may not meet the eligibility criteria. The ECI for Bihar sent SIR with 1 July 2026 as the qualifying date in 2026. The ECI then resolved to organise SIR nationwide, as part of its mandate as a constitutional authority on the integrity of electoral rolls.

Benchmarked against Electoral Roll 2003.

Bihar's last intensive revision was in 2003, making that roll the benchmark; the ECI cited the passage of time, urbanisation and migration as reasons for a fresh exercise. Almost 60% of the electorate did not require any further documents, as eligibility could be established through the 2003 roll or through their parent's inclusion in it. All other applicants were required to establish their eligibility using one of 11 specified documents. The choice of 2003 electoral roll did not appear to be merely a matter of administrative convenience; rather, it served as a point of reference because it was the year in which the State had most recently undergone an intensive revision.

How to establish "Eligibility"

Voters who are not on the 2003 roll bear the burden of establishing their eligibility. Birth certificates, matriculation certificates and caste certificates are accepted as documents

demonstrating a connection with the State, but not as proof of citizenship itself. Those with the thinnest paper trails may be the least likely to possess or readily access such documents, including migrants and women who moved after marriage.

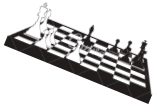
The documentary regime itself also raises questions. The Supreme Court directed the ECI to consider Aadhaar, along with voter ID and ration cards, and Aadhaar was ultimately included as a 12th document, though not as proof of citizenship. The exclusion of the voter ID card is particularly notable, given that it is itself an official document issued in connection with a person's registration as a voter. This raises a broader question about whether gaps in the State's own record-keeping should translate into an additional burden for citizens.

Persons with limited access to official records, migrants, elderly persons and those with unstable housing may face practical difficulties in locating or producing the required documents. The question, therefore, is not simply whether documentation is necessary, but whether the burden of producing the required documentation falls equally on all voters.



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THE BLACK & THE WHITE



A legal chessboard of diverse opinions, which shade of justice are you going to checkmate?

Article 14 and the Problem of Disparate Impact

Article 14 permits reasonable classification, provided that the classification is based on an intelligible differentia and that the differentia has a rational nexus with the object sought to be achieved. In the context of the SIR, the question is whether distinguishing between voters based on their presence or absence from a historical electoral roll is sufficiently connected to the objective of determining their present electoral eligibility. The distinction may appear neutral because the same standard is applied to all voters. Its practical effect, however, may vary depending on a person's ability to access government records, documentation, stable housing and other official records.

Is Hearing a sufficient remedy?

The ECI framework provides procedural safeguards where an elector is not included in the draft roll or where an objection is raised. According to the Supreme Court judgment of 2026, the protection under Rule 21A of the Registration of Electors Rules, 1960 continues to apply to the SIR process. These safeguards include notice, an opportunity to be heard, an inquiry and a reasoned determination before an exclusion from the electoral roll is finalised. The existence of a hearing, however, raises a further question about the substance of procedural fairness. Where the difficulty faced by a voter is the inability to obtain the required documents, is an opportunity to submit those documents enough to make the hearing meaningful?

India is not the only country that has been having electoral rolls verified. There are other electoral systems as well that have ways of finding duplicates, dead or otherwise incorrect entries. For example, Kenya uses biometric data to help ensure that each voter has a unique record and subjects its register to biometric de-duplication and verification. Canada, meanwhile, maintains its National Register of Electors using administrative data from multiple federal, provincial and territorial agencies, as well as information provided by electors themselves.

These systems raise a comparative question rather than providing a ready-made template for India: can the accuracy of electoral rolls be strengthened through institutionalised cross-verification, rather than relying predominantly on individual voters to produce historical evidence? The practices of other jurisdictions cannot simply be transplanted because their constitutional structures, administrative systems, data-sharing arrangements and privacy protections differ. They nevertheless demonstrate that electoral accuracy can involve mechanisms through which the State itself cross-verifies information, rather than placing the entire evidentiary burden on individual electors.

Conclusion

The electoral rolls of Bihar were extensively revised in 2003 and brought up to date through verification. For this reason, the ECI adopted the 2003 electoral roll as the benchmark. This provides a clear administrative basis for selecting the 2003 roll, but it also raises another set of questions, since it does not establish the eligibility of voters whose names do not appear on that roll. In particular, it raises the question of how those who were eligible to vote at the time of the 2003 roll, but whose names did not appear on it, are expected to establish their eligibility today.

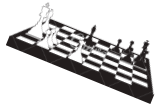
The question is not whether document verification should be undertaken. It is whether the process is equitable and realistic for determining eligibility. This requires looking beyond the choice of benchmark and the evidentiary burden. It also involves examining the practical impact of the classification under Article 14, the meaning of the opportunity to be heard, and whether institutional cross-verification can help address the difficulties faced by individuals in producing required documents. Ultimately, the question is whether it is fair to use an old electoral roll as the benchmark and require those whose names do not appear on it to produce documents to establish their present eligibility.

Ms. Anusha Poojary
Student, 5th Year

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THE BLACK & THE WHITE



A legal chessboard of diverse opinions, which shade of justice are you going to checkmate?

Golden Visa: Privilege Based Citizenship (Wealth Inequality, and the Ethics of Citizenship by Investment)

Let's consider if a person is buying their way into a country in the same manner as they would purchase shares or real estate, but what is being traded is the right to be a part of the country. The necessity of queuing in lines and the bureaucratic procedure just vanishes in a jiffy with a financial transfer that is significantly large. It appears to be almost too transactional in nature to be legal, yet in dozens of nations around the world, it is not only legal but also government policy. This is the "Golden Visa Economy," which raises the unsettling question of whether or not a country's citizenship can ever be purchased with money alone?

A great deal of the confusion around this topic arises from considering three quite diverse categories as one, which is why it is necessary to clarify the terminology before settling on a side. A passport, the ability to vote, and reciprocal duties to a state are all fundamental parts of citizenship, according to the Official Platform of the UAE Government, a Golden Visa is far more modest as it offers residency, which is the ability to live and work in a nation. It can often be renewable, sometimes with a prolonged and conditional path to citizenship attached and other times with none at all. The category that is most extreme is a Golden Passport, also referred to as Citizenship-by-Investment (CBI), in which the investment instantly secures citizenship, sometimes in a span of months.

This was a primarily European industry for roughly two decades. Selling residence to foreign capital was the beginning of prominent real estate booms in Spain, Greece, Cyprus, Portugal and Malta. That era is nearing an end. The European Court of Justice declared in April 2025 that Malta's citizenship-for-cash program, the sole surviving golden passport program in the EU, "amounts to the commercialisation of the granting of the status of national of a Member State and, by extension, Union citizenship".

The UK, Ireland and the Netherlands all discontinued their programs post 2022, while Spain followed the same path. A large number of EU states have abandoned real estate in favour of corporate and fund-based investment. However, the world is not withdrawing in the same way as Europe. The market continues to expand outside the EU. The demand that traditionally flowed to Madrid and Amsterdam is being replaced by the UAE'S ten-year Golden Visa, the US EB-5 program, Singapore's Global Investor Program, and various Caribbean CBI schemes. Argentina just adopted its own citizenship-by-investment law. This trade's geographic location has changed, but its appetite has not.

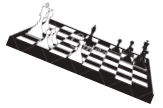
The economic argument against Golden Visa programmes should also be considered carefully. These programmes can attract foreign direct investment (FDI), which governments may use to fund housing, infrastructure, and job creation areas that may be difficult to finance through ordinary taxation alone.



DISCLAIMER:

The opinions expressed in this article are solely those of the author(s) and do not reflect the views of the newsletter. The content is intended for academic purposes and does not aim to hurt, target, or offend any individual or group. Readers are encouraged to engage respectfully, and personal attacks or harassment will not be tolerated.

THE BLACK & THE WHITE



A legal chessboard of diverse opinions, which shade of justice are you going to checkmate?

This is particularly important for small economies with limited natural resources or other sources of revenue. In some Caribbean countries, for example, funds raised through investment migration have helped address financial gaps that might otherwise have been difficult to resolve. From the investor's perspective, obtaining a Golden Visa can also provide a form of security against political or economic uncertainty in their home country, for many investors, the ability to relocate or have an alternative place of residence is viewed as a safeguard rather than an indication of distrust or instability.

The Golden visa programs have been consistently reported by Transparency International and Global Witness as a means of money laundering. In 2022, the EU encouraged member states to phase out such schemes entirely when Russia invaded Ukraine, as it was easy to make such schemes impossible to evade sanctions.

Moreover, these programmes clearly establish a two-track immigration system: an average candidate has to wait years under the microscope, while a big enough cheque gets him or her a fast lane. The ledger doesn't balance when we think about how money from investors has been driving up home prices in some areas, pushing out the very people governments are supposed to be serving.

Golden visas are not inherently corrupt; most who obtain them make them so. The concept is not flawed but the execution is. A review of these schemes found that "none of these weaknesses requires the existence of corrupt officials" a program can be well-run and still fail without safeguards. Critics also overlook that proponents "argue that these programs stimulate economic growth, create jobs, and attract valuable human capital". Done with real background checks, capped housing investment, and procedures that are not a quick checkout counter, the model can work.

Ms. Pari Jhaveri,
Student, 5th Year



Credit: Shutterstock



Credit: YGASC

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THE WIG & THE WIT



Simple and fun puzzles to judge your wit!

Grab a pencil and your map! Six countries are pinned on the map below. Match each pinned location with its correct clue related to citizenship-law!

Country A

For decades my citizenship passed only through fathers, until a 2004 reform finally let mothers hand it down too, and even naturalized citizens here can still be stripped of it by presidential decree.

Country E

In my history, citizenship here passed almost entirely through blood ties rather than birthplace, and only in 2024 did the law fully open the door to dual citizenship for naturalized citizens.

Country B

A child of foreign parents born on my soil can claim citizenship at 18 under "double droit du sol," but only if a parent was also born in a former territory of mine.

Country C

My law bars adults from holding two passports at once, forcing anyone with dual citizenship to pick just one nationality by age 22.

Country D

Citizenship by descent here survives only one generation abroad automatically, and until 2002 an adult could lose it entirely just by taking another country's passport.

Country F

The 14th Amendment makes almost anyone born on my soil a citizen at birth, though naturalized citizens can still lose that status later if officials prove they lied to get it.

Grab a pencil and look to the right! Identify the country represented by the flag displayed in the right-hand panel. Then, read the three statements about laws or customs on the left. Which one is fake? Spot the false statement and mark your answer!

	A. Selling chewing gum is banned nationwide, with only narrow medical/dental exceptions. B. You can be fined for not flushing a public toilet. C. Couples are legally required to publicly serenade each other on their wedding anniversary or pay a fine.
	A. If you own just one guinea pig, animal-welfare rules say you must get it a companion, since they're social animals. B. Mowing your lawn on a Sunday can get you fined for disturbing the peace. C. Every household in a mountain canton is legally required to own at least one pair of skis.
	A. Local governments must measure the waistlines of residents aged 40–74 under an anti-obesity law. B. For decades, dancing in nightclubs after midnight without a special license was illegal. C. Singing karaoke after 9 p.m. requires a separate late-night permit for every song performed.
	A. Stepping on Thai currency is illegal, since the bills and coins carry the king's image. B. Driving a car without wearing a shirt is illegal. C. Owning more than two pet fish in one household requires a government permit.
	A. Being drunk inside a pub is technically a criminal offense. B. "Handling salmon in suspicious circumstances" is a real, specific criminal offense. C. Placing a postage stamp bearing the monarch's image upside down is illegal.
	A. Pretending to practise witchcraft or fortune-telling for money is an offense under the Criminal Code. B. Merchants can legally refuse large payments made entirely in small coins. C. Owning over two pet ferrets requires a special provincial license.

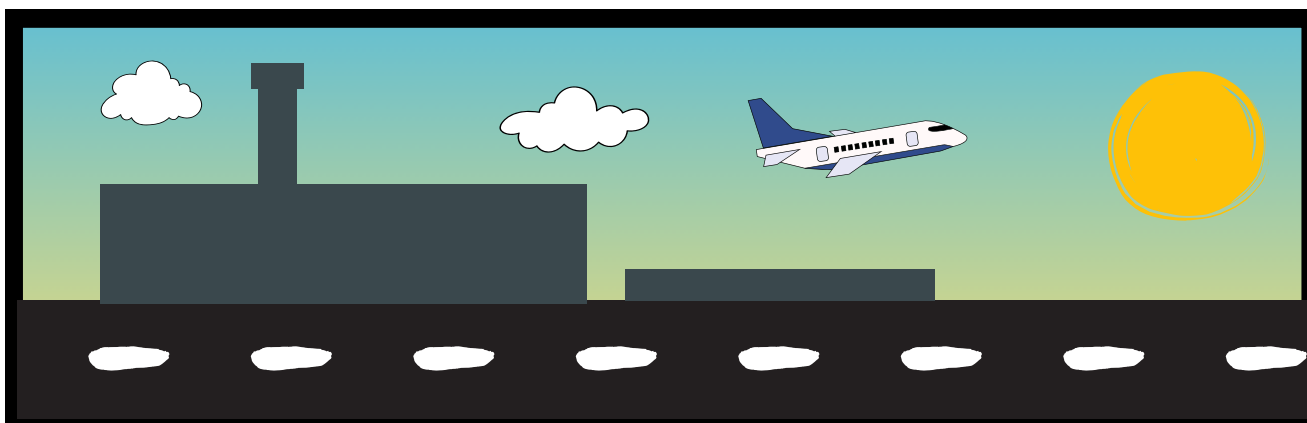
THE CAUSELIST



The Newsletter's schedule for all things high and happening at the Pravin Gandhi College of Law.

Now boarding: Citizens

Belonging isn't a place you arrive at. It's a journey you take each time you vote, you show up and speak up,



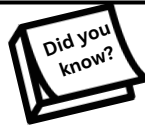
Arrivals

Date	Event	Location	Status
2 Oct	Gandhi Jayanti	Domestic	Boarding
10 Oct	World Mental Health Day	International	On Time
17 Oct	International Day for eradication of Property	International	On Time
20 Oct	Dasara	Domestic	On Time
24 Oct	United Nations Day	International	On Time

Your voice has a seat. Your voice has a destination. Every citizen is cleared to takeoff.



THE POST-ITS



Sticky Notes to tack up some fun legal facts.

"We come from the land of the ice and snow
From the midnight sun where the hot springs
flow"

-Led Zeppelin

Rome went big in 212 CE
Emperor Caracalla's
edict granted citizenship
to nearly all free people
in the Roman Empire.
Before that, it was a
prized status, and the
apostle Paul famously
invoked his Roman
citizenship to secure
legal rights.

Switzerland has three
layers. Swiss citizenship
is held simultaneously at
the municipal, cantonal,
and federal levels, and
you technically become
a citizen of your town
first. Some municipalities
used to put
naturalization
applications to a local
vote.

The Qin Dynasty
under Shang Yang's
reforms created one
of the world's earliest
systematic population
registries, called
hukou-like registration
even back then.
Households were
grouped into units of
five or ten families (wu
and shi).

"Citizenship is the
chance to make a
difference to the
place
where you belong".
-Charles Handy





Until Next Time...

This month's issue is brought
to you by: -

As we conclude this Citizenship Law edition of The Briefcase, we thank you for joining us on a journey through the legal frameworks of belonging and sovereignty. This issue encouraged us to look beyond borders and passports to explore how laws define national identity.

This conversation is only beginning. As global mobility, naturalization policies, and sovereign rights evolve, so must our understanding of the laws that govern who belongs.

Next month, The Briefcase returns with fresh insights, engaging games, and exciting features. Until then, stay curious and keep questioning.

With purpose and commitment,

With gratitude,
The Editorial Board

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Thank you for reading!

We'd love to hear from you!
Share your thoughts, ideas, or
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newsletter even better. Tell us
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to see in our next edition!

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