

CITIZENSHIP AMENDMENT ACT

AUTHORS – DEVANSHI SINGH & DR AXITA SHRIVASTAVA,

STUDENT¹ & ASSISTANT PROFESSOR² AT AMITY LAW SCHOOL, AMITY UNIVERSITY, UTTAR PRADESH LUCKNOW CAMPUS

BEST CITATION – DEVANSHI SINGH & DR AXITA SHRIVASTAVA, CITIZENSHIP AMENDMENT ACT, INDIAN JOURNAL OF LEGAL REVIEW (IJLR), 4 (1) OF 2024, PG. 363-366, APIS – 3920 – 0001 & ISSN – 2583-2344.

Abstract

India's Parliament enacted the Citizenship Amendment Act (CAA) in December 2019. Thanks to this act, non-Muslim migrants from Bangladesh, Pakistan, and Afghanistan can now become citizens of India more swiftly. Soon after the CAA was approved, there were widespread protests throughout India, and the government responded by harshly suppressing the demonstrators. There are worries that this law and the projected national register of citizens, which would disenfranchise a large number of Indian Muslims, are attempts to create a religious test for Indian citizenship. An outline of the CAA and the reasons it represents a significant deterioration in religious freedom in India are given in this brief.

Keywords. Demonstrators, Disenfranchised, Overseas citizens, Migrants, Naturalisation

INTRODUCTION

What is the Citizenship Amendment Act (CAA) of India

The goal of the Citizenship Amendment Act (CAA) is to defend those who have fled religious persecution in India by requesting asylum. It shields individuals from proceedings related to illegal immigration. Candidates must have entered India on or before December 31, 2014, in order to be eligible for citizenship. Citizenship in India is currently awarded to individuals who were born in the country or who have lived there for at least 11 years.

If the cardholder transgresses the Citizenship Act or other relevant regulations, the CAA permits the cancellation of the Overseas Citizenship of India (OCI) registration.

How can Migrants Apply for Citizenship

The Ministry of Home Affairs has set up a portal for the convenience of the applicants, and the full process will be done online. The year that an applicant entered India without the required paperwork must be disclosed. It's interesting that no paperwork will be required of the candidates.

Why Has the Opposition Been Up in Arms Against It?

The CAA has drawn criticism from the opposing parties, who label it as "discriminatory." The Congress party has expressed disapproval with the rule notification's timing, claiming that it is meant to sow division ahead of the 2019 Lok Sabha elections in Assam and West Bengal. In response to the Supreme Court's recent remarks regarding the electoral bond problem,

Congress General Secretary Jairam Ramesh accused the government of attempting to deflect attention. Chief Minister Vijayan of Kerala has said that the CAA will not be enacted in his state, calling it a legislation that encourages racial conflict. Over a hundred people died as a result of the anti-CAA demonstration and the ensuing police intervention.

India: Citizenship Amendment Act is a blow to Indian constitutional values and international standards

Amnesty International declared today that the Citizenship Amendment Act (CAA) 2019's operationalization is incompatible with India's international human rights responsibilities and a blow to the country's fundamental values of equality and non-discrimination based on religion.

"The Citizenship Amendment Act is a prejudiced law that should never have been passed in the first place since it authorizes discrimination based on religion. According to Aakar Patel, chair of the board at Amnesty International India, "its operationalization is a poor reflection on the Indian authorities as they fail to listen to a multitude of voices critical of the CAA - from people across the country, civil society, international human rights organizations, and the United Nations."

The way the CAA has been operationalized is a bad reflection on the Indian government since it ignores the many voices that have been critical of it, including those from civil society, international human rights organizations, the UN, and citizens all around the nation. Aakar Patel, Amnesty International India's board chair

The Citizenship Amendment Act, which received a lot of criticism, was passed in 2019 and became effective this week thanks to new regulations that the Ministry of Home Affairs announced on March 11, 2024.

Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians from Afghanistan, Bangladesh, and Pakistan who arrived in India on or before December 31, 2014, no longer face obstacles in obtaining Indian citizenship thanks to the CAA. A 2019 amendment, with the exception of those residing in the "Inner line" special permit zones and the tribal areas of Assam, Meghalaya, Mizoram, and Tripura, expedites the citizenship pathways for certain undocumented migrants and grants them legislative protection against deportation and imprisonment, while the 1955 Citizenship Act forbade all undocumented migrants from obtaining Indian citizenship.

Weaponization of the CAA against minority Muslim population of India

The dangers that the proposed National Register of Citizens (NRC), Foreigners Tribunals, and the CAA represent to the Muslim minority community in India are further heightened by a number of remarks made by prominent BJP politicians. The government of India made it possible to establish Foreigners Tribunals around the country in June 2019. The nationwide NRC, a government-compiled list of all Indian citizens, was unveiled in November 2019. When combined, they produce a framework that can be used as a weapon against Muslims. The Foreigners Tribunals have the authority to strip people of their citizenship and lodge them in a detention facility if they are not included in the NRC. In such a scenario, the Citizenship Amendment Act would be applied discriminatorily, granting citizenship exclusively to the religious groups listed in the Act, and making others, including Muslims, stateless.

What is the history of the bill

In July 2016, the legislature was initially presented with the Citizen Amendment Bill. Following violent anti-immigrant rallies in northeastern India, the legislation passed the lower house of parliament, where the BJP holds a sizable majority. However, it was not approved

by the upper house. Particularly strident were the protests in the state of Assam, where two million people were left off of the citizens' register in August. Bangladeshi illegal migration has long been a source of concern for the state. Though they are not the same, the CAB and the register are said to be connected. A list of citizens who can demonstrate they arrived in the state by March 24, 1971—one day before nearby Bangladesh gained its independence—is called the National Register of Citizens (NRC).

Over four years after the contentious bill was enacted by Parliament in December 2019, the Citizenship Amendment Act (CAA) is now set to be implemented after the Centre on Monday, March 11, issued the rules for the CAA. Thousands of immigrants from Pakistan, Bangladesh, and Afghanistan who came to India before December 31, 2014, and who wish to apply for Indian citizenship, will benefit from the CAA. These individuals have been either long-term visa holders or illegal residents of India.

A Synopsis of the Past

The Indian history is a major factor in the justification for amending the Citizenship Act of 1955. The Bharatiya Janata Party (BJP) promised to award citizenship to Hindus who were prosecuted in neighbouring countries prior to the 2014 Lok Sabha elections. As a result, when the National Democratic Alliance (NDA) came to power in 2016, a few laws were created based on religion to help the Hindu communities from adjacent countries that sought safety in India. Three significant reforms were included in this. Firstly, the Union Home Minister approved a proposal in September 2017 to provide citizenship to Arunachal Pradesh's ostracised Chakma and Hajong people. Second, in March 2018, the right to own property for residential or commercial purposes was granted to undocumented migrants from Bangladesh, Pakistan, and Afghanistan (Muslims excepted). In addition, the Indian

Ministry of External Affairs announced in 2019 that minorities from Bangladesh, Pakistan, and Afghanistan would receive accommodations if their visas were overstayed. But these measures were not discovered until changes were made to India's citizenship formula (Prabhaskar K Dutta, India Today).

Prime Minister Narendra Modi reviewed a proposal in July 2016 to modify the Indian Citizenship Act, 1955. The proposed constitution was presented as Bill No. 370-C of 2019. On January 8, 2019, the Lok Sabha passed this measure in spite of strong resistance from the opposition parties. Later, on December 11, 2019, the Rajya Sabha adopted the measure amending the 1955 Citizenship Act. The Indian citizenship equation was changed by this statute. According to the law, anyone who fled from neighbouring Muslim-majority countries like Bangladesh, Pakistan, Afghanistan, and India on or before December 31, 2014, and who belonged to the religious communities of Hindu, Sikh, Buddhist, Jain, Parsi, and Christian, and who faced religious prosecution or fear of prosecution, is eligible for Indian citizenship. Additionally, fewer than five years instead of less than eleven years is the new requirement for neutralization under the act.

Secularism in India has difficulties as a result of the arbitrary use of religion as the foundation for law. The moral duty to care for vulnerable immigrants and refugees from non-Muslim minority groups is the main subject of the law. It does, however, consistently disregard the Muslim minority community. The Indian Constitution is secular, and this embrace of religion as the standard for creating and enforcing legislation is in opposition to that. Furthermore, every Indian citizen and non-resident Indian shall be treated equally in the eyes of the law, according to Indian jurisprudence (Shithole 2020). Thus, it disobeys Article 14 of the Indian Constitution, which guarantees the fundamental right to equality before the law. CRT

The Indian Economy; pre and post the imposition of CAA

India's economy is categorized as a growing market economy. According to purchasing power parity (PPP), it is the third-largest economy in the world, and it ranks fifth in terms of nominal GDP (Economy of India, Wikipedia). The Government of India (GOI) implemented several reforms that had an immediate impact on the economy prior to the Citizenship Amendment Act, 2019. The estimated cost of repealing Article 370 to the economy of Kashmir alone is greater than Rs 17,000 crores. A deviation of 2-3% in GDP development was caused by other current measures, such as the GST and Demonetization. Because of the prolonged impact of a hyper movement like the CAA and the lack of monetary stability, the economy has suffered severe harm. Social and economic inequality has been exacerbated by it (CryptAnon, Medium). Credit Lyonnais Securities Asia, formerly known as CLSA Ltd., released papers that illustrate how the legislation affects various areas and forecast future trends.

What information must the intended beneficiaries of the CAA provide

As required by The Citizenship Act, 1955, the CAA seeks to confer citizenship to the targeted group of migrants even in the event that they lack legitimate travel documentation. The CAA assumes that people from these communities were persecuted for their religious beliefs in these nations before moving to India. Additionally, the statute has shortened the 11-year citizenship by naturalisation duration to five years. In order to apply for Indian citizenship, immigrants from these nations are only required to provide documentation of their place of origin, religion, date of admission into India, and proficiency in the language.

CONCLUSION

More than just a piece of law, the Citizenship Amendment Act is a beacon of kindness and hope in a world that is all too often harsh and bleak. It serves as a reminder that despite our differences, we are all related to one another and the same human family. And by working together, we can create a better, more welcoming world for future generations.

References

- 1. http://www.iosworld.org/educational_uplift_of_indian_muslim.htm
- 2. <http://www.zakatindia.org/images/Schemes%20for%20Minorities+RTI%20Techniques>
- Basu, iDas iDurga. iIntroduction ito iConstitution.
- Bakshi, iP.M. iThe iconstitution iof iIndia. i5th iEd. iDelhi: iuniversal ilaw iPublishing.
- Jain, iC. iConstitution iOf iIndia iSelect ilssue iAnd iPerception. iNew iDelhi: iTaxman iPublication.