

CITIZENSHIP AMENDMENT ACT: A CRITICISM OR AID

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Greater good for the greater no. of people.

-Jeremy Bentham

The promulgated quote of utilitarianism promotes the actions that maximize happiness and well-being for the affected individual. It advocates actions that promote overall happiness or pleasure and rejects the action that cause unhappiness or harm. This philosophy was directed to make social, economic or political decisions, aims for the betterment of the society.

The Citizenship Amendment Act (CAA) seeks to make these migrants of certain religious communities coming from Afghanistan, Bangladesh, and Pakistan eligible for Indian citizen which includes Hindu, Sikh, Buddhist, Jain, Parsi, or Christian. which was introduced in the parliament under grounds of reasonable classification for the betterment of suppressed communities in our neighbouring countries by providing them asylum which denotes that our government has taken action for the welfare of the society.

CAA has been a burning topic in the news before this pandemic influxed into our country. It has been fogged by the prevailing virus otherwise it would have been still hogging the media. Protests, both against and in favour of the bill, had mushroomed across the nation with Shaheen Bagh in South Delhi becoming an iconic protest of sorts. Constitution, preamble, democracy and secularism are the words which echoed around and would vie for being the words of the nation in these past months. among those unfortunately democracy can never satisfy everyone full-fledged.

On 12th December 2019 with majority in the Rajya Sabha and the assent from the president, the cab assumed the status of an act. The act came into force in 10th January 2020. The implementation cab began on 20th January 2019, when union minister Mansukh Mandaviya

gave citizenship to seven Pakistan refugees. The amendment of section 2 in the citizenship act, 1955 says

“That any person belonging to Hindu, Sikh, Buddhist, Jain, Parsi, or Christian community from Afghanistan, Bangladesh, or Pakistan, who entered India on or before 31st December, 2014 and who has been exempted by the central government by or under clause (c) of subsection (2) of section 3 of the passport (entry into India) act, 1920 or from the application of the provisions of the foreigners act, 1946 or any rule or order made thereunder, shall not be treated as illegal migrant for the purpose of this act”

During the partition a large no. of Hindu and Muslims migrated to and from Pakistan that created a lot of refugees and some other applied for Indian citizenship this made the circumstances critical to be handled therefore the parliament introduced Citizenship act, 1955 under which the criteria of citizenship has been laid down (from article 5 to 11). According to the citizenship act 1955, an illegal migrant is the one who has influxed into India without any valid documentations or passport / one who has migrated to India and has been residing beyond the prescribed time limit despite having valid documentations. Now the question here arises Indian Constitution is applicable to Indian citizens and by no stretch of imagination can it be applied to anyone who is not a citizen of India?

In accordance of the Citizenship Act, now CAA denotes the citizenship of these migrants by naturalisation.

India is a part of Universal declaration of human rights which has a certain clause of preventing suffering people from statelessness i.e every person must acquire citizenship under the province of a country. As India is a signatory to UDHR it has this kind of obligation to provide people asylum. In 1951 India even denied to be a part of refugee convention as the increasing amount of instability in the border which allow more refugees to shelter in the country.

Are the provisions of the bill applicable across the country?

The act clarifies that the amendments on citizenship will not apply to certain tribal areas of Assam, Meghalaya, Mizoram and Tripura and areas which comes under the Inner line permit. As we all are already aware of a great land of north eastern states has been acquired by Bangladeshi refugees who intend to hamper the root culture and diminish the north east.

Violation of Article 14:

Now, in the line of the amendment where all the religions are mentioned except Muslims, agitated the Islamic community which apparently violates article 14 right to equality- it guarantees to every person the right to equality before the law and equal protection of laws within the territory of India. Prohibition on grounds of religion, race, caste, sex or place of birth.

Not only Muslims but mass media even questioned about why the statute is only limited to the prescribed countries why not all the neighbouring countries and why are Muslims exempted?

For the specified class of migrants, the number of years of residency has been relaxed from 11 years to 5 years. the minor groups mentioned have come escaping persecution in Muslim majority nations which includes minorities like Sikhs and Hindus in Pakistan, Hindus in Bangladesh

Union minister Amit shah in a debate explained that Hindus at a greater no. are being persecuted in the neighbour countries rather than the Islam community which apparently comes a certain proviso in the constitution that discrimination can be done under reasonable classification for the welfare of the citizens. Even contrary to this the government implicated that the neighbour countries which are mentioned in the amendment are Muslim republics so the Islam sect is not facing persecution.

It clearly shows that the government is neglecting the following sect of groups:

- Ahmediyyas, Hazaras, Shias in Pakistan are the sects among them who are even victimized by the larger sect in those countries.
- Rohingya Muslims facing persecution in Burma
- The bill does not protect all religious minorities in all neighbouring countries
- Hindu and Christian Tamils in neighboring Sri Lanka
- Madhesis of Nepal
- Buddhist from Tibet
- Atheists

To conclude all of these I must say that the government has left us perplexed by upholding some clauses of this act till date which were also fogged by the prevailing pandemic. Certain no. of people revolted to protest around that the government has introduced the amendment just to deviate the outlook of people from the main issues of society like unemployment, deteriorating economy, poverty etc.

The first and foremost thing it is important to understand that that Indian society of 2020 is not the same as that of 1940. The present society is more literate (not necessarily educate) and it has more youth like us who are below 30yrs who do not believe in patience being a virtue anymore. The most glaring difference perhaps is the presence of an all prevailing social media in today's society that mobilises opinions before one blink. these things have their pros and cons of their own, the presence of such viable media is beneficial and even devastating by spreading half-truths, at the same time.

So, whatever the outcome maybe it must be in accordance to the constitution, for the welfare of the greater no. of people in the society.