



MYTH AND REALITY OF CAA

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Prior to 2014 Lok Sabha election Bhartiya Janata Party (BJP) promised all the Hindus settled in other countries which are neighbors of India to give place in India and welcome all the refugees, for this purpose the citizenship amendment bill after being discussed in Lok Sabha was referred before a parliament committee in 2016 . It was discussed with version organization in different states by the members of this committee , The Bill was passed in Lok Sabha on 8th January 2019 but could not be tabled before Rajya Sabha as the tenure of Lok Sabha ended and the bill lapsed on 3rd June 2019. The citizenship amendment bill faced a great criticism after it was passed in Rajya Sabha on 11 December 2019 by 125 MPs present and voting in favor of it and President Ram Nath Kovind signed it on 12 December , after this it is regarded as CITIZENSHIP AMENDMENT ACT 2019 (CAA) which the opposition party want to term as unconstitutional.

What exactly the citizenship amendment bill talks about?

The CAA will change the definition of illegal migrants as all the Hindus which includes Jains, Sikhs, Buddhists, Christians, Parses are considered as minority in countries like Afghanistan , Pakistan , and Bangladesh and does not include any Muslim settled in these countries , it is said that such migrants and people who come to India can reside in any state of India and the burden will be shared by whole country. The main concern of government for such amendment is the ill-

treatment or persecution of Hindu as minority in these countries , the reason why only Hindus have been given consideration under this act is because Muslim can get shelter in other Islamic countries but Hindus will not . Before know more about CAA it's important understand what Illegal migrate means basically they are those people who have come to India with any documents or with fake documents and is staying in India for time more than the visa permit.

History of CAA?

Whether a person is citizen or not is governed by article 5 to 11 of the constitution and legislature of this matter is been amended many a time since it came to force 64 year ago in the year 1955.

The 1986 citizenship amendment bill state that no person will be given citizenship merely because they are born in India it is very important for them to prove that they at the time when born have their parents any one of the parents as citizen of India .

In 1991 the amendment was made in the act which stated that for a person to be a citizen of India if he/ she is bore after 1950 but before the commencement of this act his father should be citizen of India when he was born and once this act is enforcement one of the parents should be the citizen.

In 2003 the act was again amended and passed by the Parliament but was signed by the parliament in 2004 after which it came to Be known as Act 6 of 2004 after which the concept of illegal migrants was introduced . The laws were made in 2015 and 2016 in the act which said that no Illegal migrate who belong to the ground of Hindu ,Sikhs, Buddhist, Christians Parses will not be charged under foreigner act and will not be deported from India if they are found without



valid documents and are not the legal citizens of India this amendment further introduced in the Lok Sabha and present CAA act is based on this amendment made in 2016 .

This is how with many amendments made time to time in the citizenship Act 1955 today the final CAA is been amended it may happen that In future other changes can be made in the act with time.

What amendment are made under the citizenship act?

The amendment under this act makes it clear that this act apply only to Hindus which include Sikhs, Jains, Christians, Parse and Buddhist belonging to three particular countries which are Afghanistan, Pakistan, and Bangladesh as mentioned under section 2 of the act further this act in the same section give a particular date that is 31st of December 2014 which means all those who have entered India before this date and under any law or by the Central Government if they are exempted they will no more be treated as illegal migrants. After section 6A some new sections have been inserted which vocalize that a certificate of registration should be given to every person who is referred under sub clause (b) of sub clause (1) of clause 2 of this act and after the certificate has been given the person should deemed to be the citizen of India , under sub clause (3) of clause 6B of the act if there is any proceedings pending against such person will be held abated , it also makes it clear that any person can fill an application for citizenship irrespective of the proceedings present against him and he will not be deprived of any rights to which he is entitled. Sub clause (4) of clause 6B state that the provisions mentioned in this act will not apply to tribal area of Assam, Meghalaya, Mizoram or Tripura as included in the Constitution sixth schedule the area covered

under "The Inner Line" notified under the Bengal Eastern Frontier Regulation, 1873. The amendment is made under section 7D which says that if any law violated by the overseas citizens or provision for time being they should be given a opportunity of being heard , under the third schedule of the principal act it is stated that normally a citizen have to reside in India for a period of eleven years before acquiring the citizenship but for the Hindu citizen including Sikh, Jain, Christian, Parse and Buddhist of Afghanistan, Pakistani, and Bangladesh this period is reduced to five years which means if they are residing in India for a period of five years they can apply for citizenship , the main reason behind such amendment is that a fast and easy provision will help them get citizenship not only today but in future also to others who wish to get the citizenship. There is an amendment for the overseas citizens of India which states that if any OIC is of India origin or any of its spouse it they have the right to travel India or to work and study in India.

What is NRC and how it's connected to CAA?

In 1951 a register was prepared which keep the official record of the legal citizens of India and such census has not been done after that thus, NRC is the similar record of all legal citizens of India it keep all the demographic information about the people who qualify under the citizenship act 1955. This NRC will be implemented across India after which the illegal migrants will be detected and deported back from where they came , but who is considered as the citizen of India is a big question again for this purpose citizenship act 1955 says that person born in India:



(a) on or once the twenty sixth day of January 1950, however before the first day of July 1987;

(b) on or once the first day of July 1987, however before the commencement of the Citizenship (Amendment) Act, 2003 and either of whose oldsters could be a subject of India at the time of his birth;

(c) on or once the commencement of the Citizenship (Amendment) Act, 2003, where-

(i) each of his oldsters are voters of India; or

(ii) one in every of whose oldsters could be a subject of India and also the alternative isn't associate amerceable migrant at the time of his birth, shall be a subject of India by birth

A writ petition in supreme court was filled in 2013 by Assam public works and Assam sanmilita mahasangh & ors. User this they asked supreme court to delete all the illegal migrants name from voters list , the supreme court ordered in 2014 the update of NRC in accordance with citizenship act 1955 and citizenship rules in 2003 , after starting of the process in 2015 on August 31 NRC was released And 1.9 million failed to register in list of NRC. The government has not given any clear Information about the update of NRC in Assam but the people of Assam where asked to submit their proof and in citizenship act 2003 a special exception was mandated to Assam.

Basically the connection between NRC and CAA will affect the illegal migrants as those who will not be able to prove under NRC will be regarded and non citizens thus if the Muslim come under such they will be treated as illegal migrants because they do not come under CAA and this may be a problem for those migrants who came from countries

other than Afghanistan, Pakistan, and Bangladesh but those who have come from these three countries will not be a issue for them . If we look at the views of the government they made it clear that there is no plan to conduct NRC across the nation , similarly Home Minister Amit Shah said that those who have proof about the citizenship need not to worried and no one will be sent outside the country infact arrangements will be made for them here only. There has been a lot of protest against the act and many questions have confusing answers here is the answer to all such doubts, the biggest doubt about the NRC is whether it will be implemented throughout the country? well the government in it official gazette has on 31 July 2019 announced that according to sub section (4) of rule 3 in the citizenship Act that the population register will be prepared throughout the country except Assam of all the people within the local jurisdiction from 1 April 2020 to 30 September 2020. Basically the supreme court named it as NRIC (National Registration of India citizen) to separate it from NRC (National Register of citizens) which is in Assam , after this it is made clear that under rule 3 of 2003 rules the nation wide NRC has been announced. The other issues which people face is whether population register and NRIC is linked or not well under the 2003 rule the sub rule 5 of rule 3 says that the details in local Register shall be made after they are verified but the population register . Now what exactly the population register and NRIC is ? The population register basically contains the details of people living in and village or rural area or town where as the NRIC contain the details of all the India citizen whether they are living inside or outside the country . People are not able to understand by which process the doubtful citizens will be



identified well under the 2003 rule sub rule 4 of rule 4 makes it very clear that all those whose are doubtful citizens will be marked in the population register and entered in the local Register and after the verification their families will be informed . After this the most important question which was asked is when and how did the Citizenship Act 1955 got connected with PR and NRIC thus in 2003 and amendment was made in the citizenship act 1955 called as CAA of 2003 to introduce Illegal migrate and NRIC in it hence section 2 describe the definition of illegal migrants and after addition of section 14A the concept of NRIC came by CAA of 2003 the population register was not mentioned in the main law but through 2003 rules it was bought.

Is CAA against the Muslim community?

There are lot of protects going on in the country and with that it is very important to understand whether these protests are right or not as the Muslim will face any problem in future or in present regarding CAA. It is very clearly stated by the Ministry of Home Affairs that no India citizen need to worry about the amendment in the citizenship act as it does not affect any Indian citizens including Muslim, no Indian foreigner will be deported only the illegal migrants will be according to the foreign deportation laws. People are really worried that whether the Muslim will get citizenship of India in future well it is very clear that if any foreigner no matter of which category including Muslim will get citizenship of India according to the naturalization that is section 6 of the citizenship act and through registration that is section 5 of the same act , it is very much clear that in past fees years also Muslim have been given citizenship from Afghanistan , Pakistan and Bangladesh and will be given in

future, thus all the India citizen will enjoy their rights under constitution and will not be deprived . It is for all the Muslim citizens of India to understand that even in past when Bangladesh boundary issues were solved in 2014 around 14,896 people were given citizenship out of which more than thousand were Muslim , the CAA has nothing to do with illegal Muslim migrants in the country as it has nothing to do with the deportation . Though it is very much true that the CAA has no were mentioned anything regarding the Muslim community but it does not mean that the government has made the law against the community . If people try to pay attention to the Act and the amendment made under it a very clear and understanding picture comes out that those who are the legal citizens of India including the Muslim community has nothing to do with the bill which means they are very much safe and need not to worry for this reason the bill only talks about the six community mentioned in the act if they are illegal migrants and try to make it easy for them to get the citizenship of India but still if any Muslim from country like Afghanistan, Pakistan and Bangladesh wish to get India citizenship they are very much welcomed according to the laws provided, hence the citizen should not panic and try to understand the working of government and should peace in the country.

India situation before CAA?

The basic issue in India before CAA which led to the amendment includes the refugees chakma and hajong in Arunachal Pradesh they are originally Bangladesh inhabitants of Chittagong hill and when Bangladesh was still called east Pakistan they fled the country. Chakma are Buddhist and hajong are Hindus , in northeast they caused a great stir to local groups and they were oppose to the settling



of these people in India. It was because of these reasons the central government to avoid conflict rehabilitate chakma and hajong to North East Frontier Agency in tirap division and later Arunachal Pradesh was created from NEFA area so that citizenship of India can be given to these people , the supreme court order to give citizenship was enforced in 2017 . The other reasons which were creating problem in India before CAA that there was an over stay concession to be paid by the minorities including Muslims from three countries Afghanistan, Pakistan, and Bangladesh if they overstay 90 days the fine was 100 rupees and if they stay from 91 days to two years the fine was 200/- and for this reason the concession was made by external affairs minister to minorities of these countries , if we look into such situations the minorities of these countries were facing a big problem for this the government made a big decision which may give relief.

CAA is unconstitutional?

The citizenship amendment act has been attacked by many that it is unconstitutional but the reality is totally different no article of the constitution including article 14 has been violated as the doctrine of reasonable classification has been resolved and the minorities in the countries have been reasonably classified , the legislature is well established and it always keep in mind the need of people, it also consider any danger or harm which may result from any decision. With time the society is becoming more divert , problematic and complicated for the legislature to form any law and for this reason classification can be done on reasonable grounds to come out of certain difficulties as laws are policy to attain specific ends which in return does not mean to break the law **“Bare equality of treatment regardless of**

the inequality of realities, is neither justice nor homage to the constitutional principle.” People feel that CAA law is against constitution and secularism but it is only possible when there is lack of legislative competence , there is no provision present in the amendment which infringe the constitution infact there is a better way to portray the law that it does not include few in the amendment but also that it does not exclude anyone , it is good for people to discuss the law and describe as we are a democratic country but at the same we will not tolerate violence as it break our democracy.

People are challenging the citizenship amendment at on the grounds that it violet the fundamental rights of the constitution and discriminate on the basis of religion but before making any such statement the citizen of our country should understand that the government intention can not be questioned in enacting legislation it has to be presumed by the court of constitution , we can't declare a law unconstitutional only on the ground that it is abused. The “intelligible differentia” with “rational nexus” in case where non citizens that is aliens are considered should not be adopted, it is very clear that article 14 include non citizens also in the word “Person” but what we need to under is only those non citizens who entered legally so that every provision of the laws will apply equally to them as well. Moving future to understand the constitutionality of the CAA we must consider the liquate pact of Nehru in 1950 according to which the minority rights will be protected by India and Pakistan , many petition have been filed in the supreme court that CAA should include Muslim minorities but this decision can not render the CAA as unconstitutional it's is choice of India



government to exclude a particular section and those Muslim minorities who want to be added in the CAA should remember the amendment made by the Pakistani in Nehru Lique pact in 1974 where Shias were not declared as minority.

CAA against secularism?

It is for us to understand that secularism has nothing to do with CAA. The definition of secularism states that religious beliefs is a private matter and the state should not interfere in the same and thus the state itself will not have any particular religion as national religion so that the rights of individual and minorities can be protected. But there have been certain incidents where state need to take some action like in Kartarpur Pakistan a Hindu girl was forced to convert her religion and if we know till 2017 the Pakistani did not legitimate Hindu marriages not just this but after partition in 1947 India adopted a secular form of nation but it is also true that at time when constitution was framed the word secularism was not the part because both Nehru and Ambedkar wanted that people themselves should decide according to the situation and time so secularism has nothing to do with CAA rather CAA is a step taken by the government so that people who face problem in three countries mentioned above can get speedy citizenship of India, people have questions in mind that why on religion basics this act is been based the clear is that during the time of partition few families could not travel back to India and they are still stuck in Pakistan and so this historical mistake will be corrected now.

Why do we need CAA ?

It is very important for people to understand the need of CAA in our country it's not just

an act or amendment but a whole new way how India will work now .

- For the better working of a country it is very important for government to have a data which states how many citizens are there in the country out of which how many are in minorities and if there are any Illegal migrate or who have came to do business in our country or to stay without permission because many a times the citizen of country suffer due to illegal migrants so to solve this the NRC has been issued in the country which will keep a clear check list of all registered citizens.
- People should understand that CAA is not to harm any of the legal citizens of our country which if you were born in the country and our citizen of country According to the laws mentioned you need not to worry about the CAA this includes even Muslim community if they are legal citizens but this act will provide citizenship to those who are being prosecuted in the neighborhood countries so that they can live with dignity and respect.
- Those who are in majority no matter which community they belong to or which country they can also have India Citizenship and can apply for the same by the legal laws provided in the country .
- Earlier Bangladesh was not in support of the law and did not agree to take those illegal migrants which came form Bangladesh back but now the country has given a helping hand and confirmed that any person who is illegal migrants in India from Bangladesh will be take back to the country which is a good act for India as well it make help both the countries to form a friendly relations which will help in future in terms of any difficulties .
- The cut off date which is 2014 as fixed by the government is fixed while in keeping in mind that in future no immigration should face any



difficulties and rather it will encourage more of it.

- Persecution of minorities in countries have always been a big issue and we see that people immigrants from these countries come to India so CAA is a big step taken which will provide citizenship to all such people at the same time it does not deal with forced deportation of people from India' which will help all because in other countries Islam is main religion and those with other religions they face a big problem so India being a secular country is help people of all religions to come back .

Cases related to CAA?

Around 143 petition against CAA has been filed and will be heard by a bench headed by chief justice S.A Bobde and sperate petition relating to CAA in Assam and Tripura will be taken. The petition mostly state that the CAA law should not be implemented as it is against the Muslim community and based on religion criteria , most of the opposition parties want that this law should be declared unconstitutional as it violet the provisions of the constitution but I response to these petition the supreme court on 9 January said that they cannot declare any law as unconstitutional they can only answer on the validity of the law further the court made it clear that they will not hold the CAA and even the high court will not hear the CAA pleas with this around five judges constitution bench will hear 140 petition .

The response to all the petition filled in the court the center submitted a 129 pages affidavit where they make it very clear that the legislation is not invalid or against the constitution this affidavit was filled by B.C Joshi Director of Ministers of Home Affairs. In a petition from the Indian Union Muslim league it was said that CAA is against the

Muslim community and infringe the fundamental right to quality for which the bench asked the center to make all the terms and conditions and aims of CAA clear to the people and make them aware about the law . Not just this but there are many questions which came forward like there substantial questioning of law and whether the classification on the basis of religion and geography can be made or not ? In response to all these questions the center in it affidavit made it clear that CAA is very much needed to reinstall secularism, fraternity and equality infact there is a great need in the country to have NRC with this the government answer almost all the issues filed in the petition, the government also provided many historical data why only six community have but included in the act and the government stated that they have taken some other decision and made law in favor of these six communities infact foreigners act will be applied to them , the password enter rules 1950 is also amended.

The government also gave justification as to why only Pakistan, Afghanistan and Bangladesh were selected from were the illegal migrants will be given citizenship in India the main reason given was that these countries have their national religion and are not secular country due to which a large exploitation of citizens with other religions infact in last few decades these countries have seen a great violence . The government also said when one of the petition asked that why not Muslim are included they said that Hindu from other nations are also not included because persecution take place in these countries more as compared to other countries no just this at the end it was made clear in the petition that the CAA is not against constitution as article 15 an 19 are provided oy to citizens of the country not to



illegal migrants and with this even article like 5,6,7,8,9,10 which talk about citizenship to people are also not violated as parliament has a overriding power under which it can make laws for any new class of communities.

Conclusion

India being a country with vast diversity of religious and cultural it is very difficult to maintain the balance between all but every time India prove it self to value the belief of all the citizen in the country which lead to the development of the nation in terms of economic , social and spiritual, the most important aspect of India culture is equality in terms of religion , race, cast , sex and creed this spread large amount of love and unity among the citizens , to make this heritage of our country more prominent the Citizenship amendment act has been introduced which not only value the fundamental rights and other provisions of the constitution but also protect the interests of those people who have faith in Bharat Mata. This act of citizenship is inspired by the great philosophy of vasudhaiv Kutumbakam which means that whole world is our family and that is the reason why India help all those who are in great need and weak economically , socially and culturally in past also India made efforts to provide shelter to refugees of different communities similarly in the citizenship act the government made it clear that not just people of Hindu community but those of Parses and Christians have also been included , through this act we can also see India follow the words said by father of the nation Mahatma Gandhi who once said that no matter even if Pakistan is divided but citizens of Pakistan who are forced to leave the country are Indian citizens and were born to serve .

We all know that no discrimination take place in India and all the minorities including the Muslim community can live with full dignity and respect but it because of the political influence and environment in the country that the act is facing great criticism and big confusion are being created , the opposition parties are making it difficult for the government implement the act infact many of the people protesting against the act don't even have the clear information and knowledge that why such act is been introduced and it is for this reason that people should understand why such decisions has been taken by the government and how it will benefit the country and its citizens . Those people who think that the is act against the constitution and certain article should give a deep study to the act and learn that no provision of the constitution is being violated , it is also very clear that the parliament can make laws in special circumstances like haj pilgrimage were given subsidies the government is trying it best to fulfill all the promises made to the people and providing all the facilities.

It's a request to all the citizens who do not want the citizenship amendment act to pass and apply on the country that study the reason why government took such step , how India will benefit from the act and how in future the country will get profit from the same once you get the answer to all such questions you will have a different Outlook today's the CAA and it's implementation as it will help all the minorities to get a Citizenship and they no need to face any discrimination or persecution in any of the countries mentioned in the act. It is for the people of India to have faith in the government and its decision which will help the whole country in future and promise made by the government that no



citizen will be deported from the country even if found as illegal migrants , India has always believed in secularism and socialist form and it also follow the path shown by our great leader , it will never go against any of the law which will break the democracy of our country and even if the government will choose a wrong path the judiciary of our country is so strong that it won't led the government to break the rule hence as a citizen it is our duty that we respect the government and its work so that a better future of our country can be shaped.

