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Modes of Acquiring Citizenship under Indian Constitution

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ABSTRACT

Citizenship has become the most talked about topic in our country in recent times. The reason is very well known is the introduction of CAA and NRC in Assam by Govt of India. The objective or Aim of my Project is to analyze Modes of Acquiring Citizenship in India with special reference to CAA and NRC and its impact on our secular India.

Based on review of literature on modes of acquiring citizenship in India, also taking some help from some good scholar's articles, news reports on CAA and NRC. And Analyzing Merits and Demerits of the new amendments in Citizenship Rules on Acquiring citizenship also referring to some SC judgements.

The result has shown that citizenship topic has been quite Hot topic in India since 2019 citizenship act amendments until recently it was also a political agenda in Assam elections. Citizenship is also a one of the basic Human Rights recognized at International level. Moreover, the India's move by excluding particularly Muslim community from acquiring citizenship in new amended Citizenship Act 2019 and it has also raised questions on India's image as secular country.

Indian Govt should relook its move of new rules of acquiring citizenship so as to preserve vision of framers of our constitution as Secular Nation. Further research is needed for factors that could improve more flexibility in laws and widening the scope of acquiring citizenship.

Keywords: CAA (Citizenship Amendment Act), NRC (The National Register of Citizens), Human Rights, Secularism.

I. INTRODUCTION

Before starting writing on citizenship, I would like to ask some question from the reader. First What is the most important thing of any state? Answer will be the Population i.e., Man power. So, in our constitution when we talk about people or population 3 things comes to our mind i.e., 1. Persons, 2. Citizens, 3. Minorities. For example, right to equality Art.14 is granted to all persons in India. Whereas the Rights against discrimination Art. 15 is only granted to our citizens of India. On the other hand, Rights to protection of minorities Art. 26 is available to

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the minorities in India². Now come my next question How is India came into existence? Your simple Answer will be by partition of British India and forming of two new nations India and Pakistan. This partition ultimately led to approx. 10 lac migration of people in India.³ Now my main reason to ask you these questions was from this we come to know why the issue of citizenship is so important. When we were making our constitution, the main question was to decide the territory of our India and who will be the citizens of India? And Who will qualify the criteria is most important question because in our Indian constitution there are number of Specific Rights and Privileges which are exclusively to be granted to Citizens. So Indian constitution deals with citizenship in two ways: 1. From Commencement of Constitution i.e., 26.01.1950 (date when constitution was first started to apply in India), this part talks about the people who were citizens on 26th January 1950 is discussed under Part 2 of the Indian Constitution. The second part deals with future years so for example if we have to know who will be a citizen of India on 2050 and who are not. Our constitution says after 26th January 1950 the matter pretraining to Acquisition and Termination and other matter linked to citizenship for this parliament will make law and will be discussed in it so the law is Citizenship Act of 1955. So, understand the concept of citizenship in India we need to discuss and analyze both part 2 of constitution and Citizenship act 1950 together.

II. PART 2: CONSTITUTION OF INDIA (ART. (5-11))

The constitution of India provides us the source of the all laws applicable in India and it is also acting as a legal document which lays rules or laws for who will qualify and what will be the rights for a citizen of India. Although citizenship is not been defined in our constitution but it is part of Union list so parliament exercise full jurisdiction over this matter and can make rules and laws over matter of citizenship. The parliament from time to time has exercised this power to make laws on citizenship by amending the Citizenship Act 5 times in 1986, 2003, 2005, 2015, and most recently in 2019. So, part 2 of the constitution i.e., from Art. 5-11 of constitution talks about provisions of citizenship. For simple understanding part 2 talks about 4 provisions:

1. Persons Domicile in India
2. Persons who Migrated from India
3. Persons who Migrated to Pakistan

² Legalserviceindia. 2022. *Methods of Acquiring and Losing of Citizenship under Indian Citizenship Act*. [online] Available at: <<http://www.legalserviceindia.com/legal/article-3602-methods-of-acquiring-and-losing-of-citizenship-under-indian-citizenship-act.html>> [Accessed 25 May 2022].

³ Drishti IAS. 2022. *Citizenship of India*. [online] Available at: <<https://www.drishtias.com/to-the-points/Paper2/citizenship-of-india>> [Accessed 25 May 2022].

4. Persons living Abroad

The persons who fall in either of these categories on 26th January 1950 will be citizen of India.

Now let us discuss the citizenship Art. 5-11 in detail

Art 5: Citizenship by Domicile

According to this provision to get citizenship of India you need to fulfill just two condition First, which says that you should have Domicile in India. So, this word domicile is very important which have been well explained by our apex court or Supreme court of India in its various judgements like Mohammad Raza vs. State of Bombay⁴ and Pradeep Jain vs. UOI⁵. Domicile means place where the person has permanent intention to live that particular place will be called as domicile of the person. Basically, the place of your permanent house is your domicile for e.g., a person is posted at Shri Lanka for period of 3 years and he has his permanent home in India so after expiry of 3 year he has intention to come back to India so Shri Lanka can't be called as his domicile. Second condition under Sec 5 is fulfillment of either of the following condition:

1. He is Born in India
2. Any of his Parents are born in India
3. Residing in India for 5 year immediately after 26th January 1950

So, in short if you fulfill these two conditions i.e., Domicile of India and either of the one criterion in above mentioned second condition you will be eligible for acquiring citizenship under Sec 5 of our constitution. The one of the important case laws related to domicile is DP Joshi vs. Madhya Bharat⁶ in this SC held that there shall be only one domicile for entire India i.e., There is no state domicile only domicile of India.

Art 6: Persons who migrated from Pakistan to India

This article talks about that kind of people those who have been migrated from Pakistan to India. And mainly address the problem which was created due to partition of India. Before partition all the people were subjects of British India. This lead to large scale migration from Pakistan to India and to decide citizenship of those who came to India from Pakistan. So, Art. 6 divides all those people in 2 categories : 1. Before 19-7-1948 i.e., people who migrated to India before 19th July 1948 and 2. After 19-7-1948 i.e., people who migrated to India on or

⁴ 1966 AIR 1436, 1966 SCR (3) 441

⁵ 1984 AIR 1420, 1984 SCR (3) 942

⁶ 1955 AIR 334, 1955 SCR (1)121

after 19th July 1948.

Now question Arises Why only this date was selected? The answer is because on this date in both the countries Permit System was introduced in it. Which means under this system both people from Pakistan and India can travel to each other's territory.

Before 19-7-1948: The people who migrated to India before this date so, on commencement of constitution they can be considered as Indian Citizens if they fulfil these two conditions:

1. He/Either of his Parents/Any of his Grand-Parents were Born in India
or
2. He should have resided in India since the date of his Migration

After 19-7-1948: Those people who migrated to India from Pakistan on or after 19th July 1948 will be considered as Indian citizens if they fulfil following conditions:

1. He/either of his Parents/any of his Grand-Parents were born in India
2. He had returned to India under a Permit for Resettlement
3. He had resided in India after Re-Migration for at least 6 months
4. He had Submitted an Application for Registration to the officer
5. He has been Registered as a Citizen by such officer

Now the question come to your mind is What is the Basic difference between Art. 5 and Art. 6? The answer is simple that Art. 5 talks about those types of people who were living in India territory and decides citizenship of only these types of people. On the other hand Art. 6 talks about those types of people who were living in territory of British India but migrated to India from Pakistan.⁷

Art. 7: Citizenship of Persons who Migrated to Pakistan

Before we start to discuss this article it is important to know the value or role of art. 7 in our constitution. Simply saying if the provisions of Art. 5 and 6 grants any person a citizenship but he/she is not qualified under Art. 7 of Indian constitution then he/she will be not get Indian citizenship. So, Art. 7 overrides Art. 5 and 6 of our constitution.

The Art. 7 divides all these people in 2 categories:

1. Pakistan ←—— India after 1st March 1947
2. Pakistan ←—— India after 1st March 1947

⁷ Lawnn. 2022. *What is Citizenship? Modes of acquiring citizenship in India- LAWNN*. [online] Available at: <<https://www.lawnn.com/what-is-citizenship-modes-of-acquiring-citizenship-in-india/>> [Accessed 25 May 2022].

The First category talks about those people who has been migrated to Pakistan from India after 1st march 1947 will not be considered as Indian citizens. Even if they are granted citizenship under Art. 5 and 6 this section Bars them to be citizens of India this is due to Art. 7 overriding effect which I talked above.

The second category talks about those people who have been migrated to Pakistan from India after 1st March 1947 but after this migration they again migrated to India. In short Art. 7 talks about these kinds of people who have again migrated to India from Pakistan will be given Indian citizens if they fulfil following conditions:

1. He/either of his Parents/any of his grand-parents were born in India
2. He had returned to India under a Permit for Resettlement
3. He had resided in India after Re-Migration for at least 6 months
4. He had Submitted an Application for Registration to the officer
5. He has been Registered as a Citizen by such officer

Art. 8: Citizenship of persons of Indian Origin Residing outside India

In this section those people who are basically of India origin but are currently living Abroad i.e., any nation outside India except Pakistan because we have already has provision under Art. 6 and 7 for persons coming from Pakistan⁸. So, simply this section says that any person living Abroad can be considered Indian Citizen if he fulfil these two conditions:

1. He/Parents/Grandparents born in Undivided India
2. Registered as Citizen of India by Diplomatic/Consular Representative of India


Art. 9: Not deemed to be a citizen

Voluntarily ———▶ Foreign State ———▶ Citizenship

Before Commencement – 5/6/8

It simply states that if any individual before commencement of constitution i.e., 26th January 1950 voluntary acquires citizenship of any foreign state then he cannot demand Indian citizenship under Art. 5/6/8 of ours constitution.

Art. 10: Continuance of Citizenship

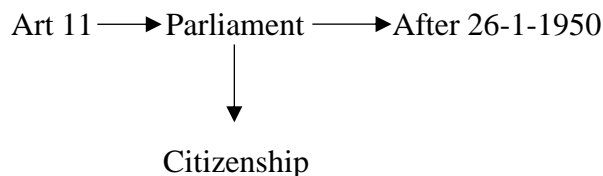
Indian Citizenship  ----- Subject to Laws passed by Parliament

This article talks about that if by all proceeding Articles i.e., 5/6/7/8 you have acquired Indian citizenship then you will continue to be Indian citizen unless there is any law passed by

⁸ Supra Note 2.

Parliament of India. Simply says that right of citizenship under is article is subject to laws passed parliament and also introduce parliaments power to make laws.

Art. 11: Parliament to Regulate the Rights of Citizenship

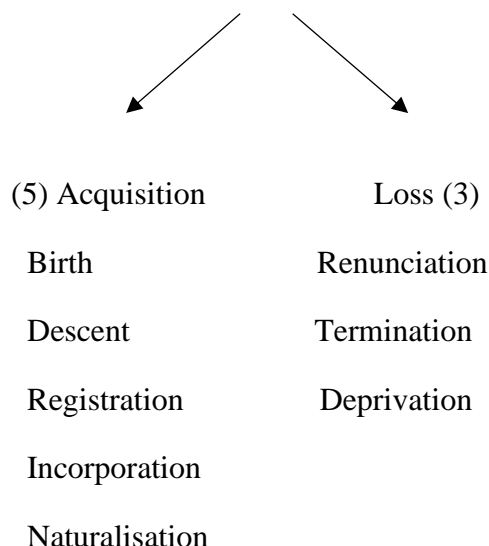


In short this article gives the power to the parliament of India after 26th January 1950 i.e., commencement of the constitution to make laws on matter relating to citizenship in India. So, the parliament will have 2 types of power under Art. 11:

1. To make Laws on Matter relating to Citizenship after 26th January 1950
2. Power of parliament to Restrict and Revoke Rights given under Art. (5-8)

Till now we discussed issue of citizenship only under provisions of Constitution of India but it has been discussed in two places first in constitution of India and in Citizenship act. In our constitution, the citizenship issue has been discussed from Article no. 5 to 11⁹. But this whole part answer only 1 question, that is on 26th January 1950 who will be known as Indian citizens. Apart from that one question all other questions are discussed in The Citizenship Act. Now lets discuss What this Citizenship act does?

III. CITIZENSHIP ACT



So basically this act tells about 5 ways of Acquisition and 3 ways of Loss. The 5 ways of Acquisition is Birth, Descent, Registration, Incorporation of territory and Naturalization. And

⁹ INDIA CONSTI. Art. 5 – 11.

the 3 ways of loss are – Renunciation, Termination and Deprivation. So these 3 ways of Loss are very simple and easy, the important part is the 5 ways of Acquisition and the process of Naturalisation is very important, so lets get started with discussion.

Important Amendments

2019

1986 – Born in India

1992 – Discrimination against Women

2003 – “Illegal Immigrants”

2005 – OCI

It is important to not that if you feel that the Amendment Act of 2019 is only important then it is not like that. Citizenship amendment act incorporated many and major amendments acts in which very important acts of year 1986, 1992, 2003 and 2005 amendments acts¹⁰. Now let us quickly see that what was so special about these amendments acts. So before 1986 the act says that if any person take birth in India he will be liable to get Indian Citizenship. But 1986 act changed this provision and it said that the persons birth should be in India but as well as his/her one parent should be an Indian to acquire Indian Citizenship. Before 1992 it was that if any body wants Indian Citizenship then his/her father should be an Indian Citizen and mother has no role in it. Amendment act of 1992 ended this discrimination against women and said that child’s either of the parents should be an Indian Citizen it could be mother or it could be father. And the act of 2003, the definition of “Illegal Immigrant” was introduced in this act only. Because of this term “Illegal Immigrant”, the amendment act of 2019 was in mess. The amendment act of 2003 stooped the Illegal Immigrants acquiring Indian Citizenship by the process of Registration and Naturalization. And the act of 2005 known for its major changes in provision of OCI (Overseas Citizen of India).

Citizenship By Birth – Sec 3

Born in India

1. 26- Jan- 1950-----1st July 1987
2. 1st July 1987-----3rd Dec 2003
3. 3rd Dec 2003 – 2P/1P +1 not Illegal Immigrant

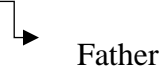
The first mode of Acquisition is “Citizenship by Birth” which is Section 3 this section offers

¹⁰ Supra Note 3.

Citizenship on the basis of birth and the very important ingredient of this section is that your birth should take place in India. So now we will see how this section developed from time to time. So firstly this section said that in time line (26th January 1950 – 1st July 1987) whose ever birth is taking place in India will automatically get Indian Citizenship it doesn't matter that his/her parents are Indians or non-Indians. But this happened till 1987 only. why? Because around this time we realized that the countries which our neighbour their citizens means refueged and the illegal immigrants who are coming to India. While this time if their child birth take place in India then they are automatically eligible for Indian Citizenship which is a Problematic issue. That's why after the amendment act of 1986, this new time line was set (1st July 1987- 3rd Dec 2003) and said that according to this new time line whose ever is taking birth in India will get citizenship if their 1 parent is an Indian but by this act the problem was not getting solved. And the new act was introduced in 2003 which finally set this, that if anybody is taking birth in India after 3rd Dec 2003 will get Citizenship when his/her both parents are Indian or at least his/her any 1 parent must be an Indian and other parent should be an illegal immigrant. Now question arises What illegal immigrant means? The section 21B¹¹ of citizenship act defines illegal immigrant it says that if any traveller comes to India without any valid Passport and any valid travel document or if he is having valid passport but he has exceeded the permitted time limit to stay in India if he or she is engaged in all that, then they will be called as Illegal Immigrants. Currently the law of the land is this only. If your birth place is India and both parents are Indian or one of the Parents is Indian and other one is not an Illegal Immigrant then you will get citizenship by Birth.

Citizenship By Descent – Sec 4

Born outside India

1. 26th Jan 1950-----10th Dec 1992

2. 10th Dec 1992-----3rd Dec 2004
3. 3rd Dec 2004

Within 1yr + Indian consulate + Registered + Undertaking

Next is Citizenship By Descent which is sec 4. Descent means by your parents or grand parents

¹¹ The Citizenship Act, 1955, No. 57, Acts of Parliament, 1955 (India).

your relation to any country. So section 4 says that if any one is taking birth outside India then also he/she can acquire Indian Citizenship by the help of their Descent. In section 4 also there has been many changes from time to time, like firstly this section said that after 26th Jan 1950, whoever is taking birth outside India, they can get Indian citizenship if his/her father is an Indian citizen, so by the reason of this father they were getting Indian citizenship. But this was till 10th Dec 1992 because after that the amendment act of 1992 came into existence which says about the gender neutrality. So this amendment act tells that after 10th Dec 1992 which ever person has taken birth outside India he/she can also get Indian citizenship if one of his parents is an Indian citizen weather it is mother or father. After this amendment because of their father or mother being Indian citizen he/she could get Indian Citizenship but this was all till 3rd Dec 2004 only. Because after that the amendment which came and the current running law says that if after 3rd Dec 2004 if any one's birth place is outside India then they will not get Indian Citizenship as before under 1 year of that child's birth their parents should go to that country's Indian Consulate and should register their child as Indian Citizen by this undertaking that their child who is a minor doesn't has any other country's passport. And currently this law only applies.

By Registration – Sec 5

Categories

PIO = - He/Parents were born

- Undivided India
- 15th Aug 1947

So now by Birth and Descent very limited people were able to acquire Indian Citizenship. So that's why need to widen up Process of Indian Citizenship Section 5 has been introduced. Which talks about a registration process, and specifies some people categories and it says that the particular categories people if they can submit an application to the central government then they can also be registered as Indian Citizens.

For understanding about section 5 it is very important to understand this term PIO¹² i.e., Persons of Indian Origin. Are those people whose birth or whose parents birth took place in undivided India means in British India or whose parents birth has been on that territory of India which has been included after 15th Aug 1947 like Sikkim and Pondicherry were made part of India after the Independence. So all those people will be persons of Indian Origin (PIO).

¹² The Citizenship Act, 1955, No. 57, Acts of Parliament, 1955 (India).

Now lets see who all comes under this categories

1. Such person who is residing in India since last 7 years before making an application for registration. Or,
2. Such person of India Origin who is residing outside India. Or,
3. Such persons who is married to Indian Citizen. Or,
4. The minor children of Indian citizens and
5. A person of full age and capacity who is residing in any commonwealth country or in republic of Ireland.

By Naturalisation – Sec 6

1. Not subject of country where Indians are Prevented
2. Renounces other citizenship
3. DOA – 12 months – Residing in Indian/GOI
4. DOA – 12 months – 14 yrs. – Residing in India (11 yrs.)
5. Good character
6. Adequate Knowledge of languages – 8th schedule
7. If Certificate is Issued, he intends to Reside in India

The next is the important mode of acquisition which is naturalisation which is section 6. This section says that, the persons who has these all qualification stated above and if that person could submit an application to the central government for the registration of Indian Citizenship Then central government can register his/her citizenship. So let's know what are the qualifications for that. Firstly he should not be subject of that country where Indians are prevented for being a citizen. Secondly, if he already acquires other country citizenship then he has to renounce that citizenship for acquiring Indian citizenship¹³. Thirdly from the Date of application he should be residing in India for past 12 months or should involved with service in Govt of India if he is fulfilling partly of that condition it is also permissible. Fourth before date of application what should be done is given above but before that 12 months during the period of 14 years he should be residing in India or performing Government service. So in that 14 years for aggregate of 11 years he should do this (Residing India/GOI) in this also if he fulfils partly one condition it can be Permissible. Fifth is he should be of good character. Sixth he should have the adequate knowledge of the languages which is prescribed in 8th schedule¹⁴. After that if he has been granted the certificate of Naturalisation the he should intent to reside

¹³ Supra Note 2.

¹⁴ INDIA CONSTI. Schedule 8.

in India means after getting the certificate of naturalisation, his intention should be to live in India. Along with this government of India has the power to wave off all this qualifications only if any person has performed a distinguish service in field of Science, Art, Philosophy, Literature, Peace, Human Rights. If any person has performed distinguish service in these fields then for that person government of India can wave off any condition or whole qualification. So, this was the naturalisation process which is section 6 and is very important.

By Incorporation of Territory – Sec 7

Foreign Territory

Pondicherry —————> Citizenship (Pondicherry) Order, 1962

Next process is incorporation by Territory which is sec 7. This provision says that if any foreign territory become the part of India then government of India will specify that who will know as Indian citizens of that foreign territory. Like when Pondicherry became the part of India, then Govt of India issued an order to tell that who all be qualified to become the Indian citizens so this is sec 7.

Loss of Citizenship

Renunciation	Termination	Deprivation
Sec – 8	Sec – 9	Sec – 10
Makes a Declaration	Voluntarily acquires Another Citizenship	Compulsory Termination by Govt. - Fraud - Disloyal - Communicated with Enemy - 2 year Jail

Now after knowing in detail the modes of Acquisition it is easy to understand modes of loss of citizenship. They are sec 8 renunciation, sec 9 Termination, sec 10 Deprivation¹⁵. Let's understand these provisions with quick example suppose you are studying in a school and you gave application to principal that from now I don't want to study in this school so this will be called Renunciation. Or if you take admission voluntarily in some other school so that will be

¹⁵ BYJUS. 2022. *Citizenship in India - Articles 5,6,7,8,9,10 and 11 - Polity Notes*. [online] Available at: <<https://byjus.com/free-ias-prep/citizenship/>> [Accessed 25 May 2022].

Termination. Or if school principal removes you from school that will be Deprivation . Means if any person is giving declaration that he is leaving Indian citizenship that will be called as Renunciation under sec 8.¹⁶ But if any person voluntarily acquires citizenship another nation then it will be called Termination of Indian Citizenship under sec 9. On the other hand if Govt of Indian on its own terminate your citizenship then it will be Deprivation of citizenship i.e., sec 10. So in what cases or circumstances there can be deprivation: 1. If you have acquired Indian citizenship by Fraud or documents produced for citizenship are Fraud. 2. Or you are disloyal with Govt of India 3. Or during time of war you have communicated with enemy country like providing information etc. 4. Or within 5 years of acquiring Indian citizenship you have been jailed for 2 years. These powers of deprivation is exercised by central government.

IV. CITIZENSHIP AMENDMENT ACT, 2019

Illegal Immigrant

An illegal migrant is a foreigner who:

1. Enters the country without valid travel documents,
2. Stays beyond the permitted time period.

	Hindus
	Sikhs
Afghanistan	Buddhists
Pakistan	Jains
Bangladesh	Parses
	Christians

Easier Process to Acquire Citizenship

5yrs from 11yrs

Before we start discussion on this topic it is very important to know the meaning these 2 important terms. First is “persecution” which simply means to misbehave or doing violence or discriminating. If one group is doing violence or discriminating on the other group it is called Persecution. Persecution could be of many types such as religious persecution, political persecution, and being racist. The second important term of this topic is “immigrant” if any person leaves his country and starts living in other country permanently then he is an immigrant for that nation. Next we will understand the relationship of India with the neighbour countries. So these are India’s neighbour between 12th to 20th century Iran - parses, due to religious

¹⁶ The Citizenship Act, 1955, No. 57, Acts of Parliament, 1955 (India).

persecution in Iran the parses of Iran migrated at large scale towards India. In 1947 partition between India and Pakistan due to which more than 1 crore people migrated to each other country¹⁷. And because of this partition, The Bangladesh Freedom movement between 1960-71 lakhs of Bangladeshi people migrated to India because of this war for freedom. After that in 1959-60 due to china – Tibet war many Tibetans migrated to India. And due to soviet – Afghan war and religious persecution over there Afghans also migrated to India. Like this only in between 1980 – 2000 due to Sri Lanka civil war, Sri Lankan Tamils came here. And most recently during 2015 – 2017, the Rohingyas of Myanmar migrated to India. According to India's census record of 2001 most of the migrants came from Bangladesh and Pakistan to India. The issue of citizenship in India is discussed in two places – In constitution of India and Citizenship of India Act, 1955. Constitution says that who will be the proper Indian Citizens in 1950, so the provision of the constitution was helpful for our grandparents and fore fathers. But the provision after 1950 like who will called as Indian citizen after 1950 How today any can be Indian citizen or in coming days how any will able to acquire Indian citizenship? All these things are discussed in Indian Citizenship Act, 1955. Now let's understand the purpose of this new amendment of 2019.

So this new Act changes the way of acquiring citizenship given in earlier Act. Firstly by changing the definition of illegal immigrant, till now the Illegal Immigrant defined in this Act as : An illegal migrant is foreigner who: 1. Enters the country without valid travel documents, 2. Stays beyond the permitted time period. In that case person will be called illegal immigrant and he will be forced to leave the country. But this act changes the whole definition of this act. And it says that before 31st December 2014 any people who has come to India by any ways and if they are from: Afghanistan, Pakistan and Bangladesh and they Belong to these 6 communities – Hindus, Sikhs, Buddhist, Jains, Parses, Christians. So now these people will not called as illegal immigrants so according to the act people who were called as illegal immigrant , Act amends that thing and all these people who came from these 3 countries will not be an illegal immigrant. Second big change is comes in process of Acquiring Citizenship Before it was like, if you are coming from Pakistan and willing to take Indian Citizenship¹⁸. So for that you have to spend 11 years in India or have to do any Govt service and after that you will get Indian Citizenship and this new act changes this whole Process and it says you are from these 3

¹⁷ INSIGHTSIAS. 2022. *RSTV: THE BIG PICTURE- CITIZENSHIP AMENDMENT BILL - INSIGHTSIAS*. [online] Available at: <<https://www.insightsonindia.com/2019/12/10/rstv-the-big-picture-citizenship-amendment-bill/>> [Accessed 25 May 2022].

¹⁸ News, I., 2022. *What is CAA? Know everything about Citizenship Amendment Bill | India News - Times of India*. [online] The Times of India. Available at: <<https://timesofindia.indiatimes.com/india/what-is-caa/articleshow/73153785.cms>> [Accessed 25 May 2022].

countries and you belong to these 6 communities from these countries then you have to spend only 5 years instead of 11 to get Indian Citizenship. So according to this the date has been given since 2014 from December 2014 to 2019 its 5 years and all these illegal immigrants will convert in to Indian Citizens.

So the First major problem coming across this Act is that: 1. Why the Government has chosen only these 3 countries and why only 6 communities from these countries and why you excluded other neighbour countries and other communities? And it is a violation of Art. 14. And for the answer of this question I have listened to the parliamentary discussions and a saw Harish Salve on a channel answering the questions regarding the new act. He said that the main moto of this act is to expand the loss of migration and to relax it. So now how much it should be expanded and relaxes, it's a policy matter. On the other hand Home minster Amit shah told that in our neighbouring countries minority communities are being tortured and they are affected by religious persecution. So why we chose only these 3 countries? Because the constitution structure of these 3 countries declares it as a Islamic State not as a Secular Country. And in these countries these 6 communities are minorities and are going through religious persecution that's why we selected these 3 countries and 6 communities.

The second most and big opposition is coming from the north eastern states of India specifically from Assam, and this opposition also has deep rooted history, let us know that.

From 1920's when riots began to happen all over in India, since then only from east Bengal people started migrating to north eastern states specifically in Assam. So its usual that the people who were migrated there were started holding lands over there and slowly what happened that the population of refugees started increasing as compare to the locals over there. After that from 1948 India- Pakistan to 1971 Bangladesh formation lakhs of people migrated to North east sates. In 1978 what happened that Assam's MP Heera Lal Patwari dies and because of this re-election has to be done then the matter which to existence that suddenly the majority of registered voters in Assam increases means the majority of refugees increased a lot, and elections was cancelled with the immediate effect and student leaders started protesting saying that this illegal influx should be stopped and all the illegal immigrants should be detained and deported. This protest is known as Assam Andolan which was from 1979 – 1985 and the result of that protest was Assam Accord which came in 1985. Assam Accord says that if you belong to any religion and if you have migrated to Assam after 24th march 1971 then you will not be called as citizen you will be an illegal immigrant and to fulfil the objective of Assam Accord government introduced NRC "National Register of Citizens" in which 19 Lakh illegal immigrants were noticed. But now since the CAA has come it says that it should

considered from 2014 instead of 1971 before December 2014 people who migrated to India from these 3 countries and from those 6 communities will not called as Illegal immigrants and will be called as Citizens. So this is all about Citizenship Amendment Act, 2019.
