

Citizenship Amendment Act (CAA) 2019 In India: The Conflict Between Humanity & Cultural Identity

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ABSTRACT

The Citizenship Amendment Act (CAA) is a totally unconstitutional amendment. This amendment changes the 2003-04 restraint regarding citizenship rights for illegal migrants. In 2019 CAA lucidly violate the secular nature of the constitution and also oppose the fundamental rights Article 14. CAA compromise only with the six named religious groups or there are no social reason why only illegal migrants picked up from these three countries Bangladesh, Pakistan, Afghanistan and why protection given only to these three countries illegal migrants. As the bill turned into Act 12-Dec-2019. The Muslim community protest the act and termed it totally communal based act. So, India must drop the idea of CAA and NRC that have been enacted with bitterness against India largest minority i.e. Muslims. History has witnessed that whoever avoid minorities rights, human rights to equality and liberty of its citizenship had paid very heavy price in the past. So, if you support the citizenship amendment bill, then you are basically supporting the Two-nation theory, which defines Hindu and Muslims cannot live together and they need to be given separate state. In past every Indian freedom fighter supports Hindu-Muslim unity and gave us a message of peaceful co-existence.

KEYWORDS: Indian Constitution, Secularism, Citizenship Amendment Act, National Register of Citizens (NRC)

INTRODUCTION

India is a secular, sovereign and peace-loving country. It is the single country in the world that has justified the slogan "Unity in diversity". We all know India is a big country which is the home to more than 200 million Muslims and it has been a fountain of pride or many Indians. The constitution of India gave an assurance to everyone equality under the law there will be no discrimination on based on Religion, caste, gender. The right to life will provide for every citizen. Our constitution deals with the citizenship from Article 5 to 11 under Part II. It entitles the parliament to execute a law. To ensure for such matters and any matter related to citizenship.

But when the CAA Bill 2019 was tabled in parliament, there has been a ocular anarchy in the country. As the bill turned into Act (Citizenship Amendment Act, 2019) on 12-Dec-2019, the unrest spread like wildfire. Because CAA 2019 is unconstitutional for its discriminatory and capricious provisions. The linked exercise of the NPR (National Population Register) and NRC (National Register of Citizens) scare to discriminate crores of people, rendering them stateless and without rights. The combination of CAA and NPR-NRC would produce reaction that are harmful to the balanced and peaceful functioning of our society and policy.

Objective of my paper

1. To study Citizenship Amendment Act in general.
2. To highlight the conditions of Muslims.
3. To explore the role of Bhartiya Janta party in CAA.

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4. To highlight the strategy of the Modi government how to manipulate the people.
5. To find out whether the government is trying to implement the divide and rule policy. If so than this article would definitely help the people to be aware of all these.

Research Methodology

The method used to analyses this paper is both primary as well as secondary. Primary data has been taken from the general talks and the statement given by person in television and social networking sites. The source of secondary data is journal, newspaper. The paper is written in descriptive manner.

Review of Literature: There are number work on "Citizenship Amendment Act 2019" some of the important books and articles are as under:

1. Raja Ram Tallur (2019)¹: This book covers the in-depth detail regarding the CAA. It also elaborates the past history and highlight the difference between NRC and CAA, and their various aspects, effects (positive and negative) on the people residing in various states of India.

¹ Raja Ram Tallur; *Citizenship Amendment Act 2019 where we stand?*, Temple tree Publishers, Bengaluru, 2019.

2. Niraja Gopal Jayal (2013)²: The writer has done excellent work on history of the formation and transformation of citizenship in India from Late Colonial period to the present, specifically the author sensibly analyzes the emerging conceptions of citizenship as legal status, as right and as identity. This book also highlights the substance challenges facing contemporary India, including citizenship and some more important issues.
3. Shrutikar Abhijit Sarmah (2018)³: This book deals with the series of events that started from Assam Agitation to current NRC that all started in the year 1978. It also describes about the unnatural increase in the number of voters was disclosed by authorities while preparing voters list or explaining the Assam accord 15-Aug-1985 which was known as Assam Agitation.
4. V.N Shukla (2008)⁴: This book provides an important information about the Indian constitution including latest constitution amendment and supreme court important decisions on the issues such as equality, Right, discrimination. The author explains the article 14 deeply and its relation with CAA.
5. Mamta Baneerjee (2019)⁵: This book covers the CAA and role of the people against CAA, NPR and NRC. She said CAA risk India's Independence and launch an andolan against CAA and NRC very first time. She highlights the discrimination done by the govt, CAA is unconstitutional, illegal and wrong. She also highlights the role of the chief minister of Tripura, Assam and told them to come forward and oppose CAA, NPR and NRC.

Citizenship Amendment Act:

The CAB 2019 was passed by the parliament of India on 11-Dec-2019. It amended the citizenship act of 1955 in order to award Indian citizenship to Non-Muslim emigrant from Pakistan, Bangladesh, Afghanistan (All Muslim majority nation). Under CAA 2019 amendment migrants who entered India by December 31, 2014 and had endure "Religious persecution" in their country of origin, were made qualified for citizenship by current law. The migrants will be granted quicken Indian citizenship in six year. The amendment also flexible the resident qualification for naturalization of these migrants from eleven years to six years.

What the Bill purposes for?:

According to the Bill, members of Hindu, Christian, Sikh, Buddhist, Parsis, Jain communities who have from Pakistan, Afghanistan, Bangladesh till December 31, 2014 and facing religious persecution they will not be treated as illegal immigrants but given Indian citizenship. It also relaxes the provision for "Citizenship by naturalization".

² Niraja Gopal Jayal; *Citizenship and its discontents*, Harvard University Press, New Delhi, 2013.

³ Shrutikar Abhijit Sarmah; *National Register of Citizen-NRC in Assam (Addressing Bangladesh migrant issue, solving demographic aggression)*, Oxford University Press, New Delhi, 2018.

⁴ V.N Shukla; *Constitution of India*, Eastern Book Co., Delhi, 2008

⁵ Mamta Baneerjee; *Nagrik*, Dey's Publisher, West Bengal, 2020

What does bill cover

One more important thing is that the bill only covers six minorities namely Hindu, Sikh, Parses, Buddhists Jain and Christian from Pakistan, Bangladesh, Afghanistan.

According to the citizenship act of 1955, illegal immigrant cannot get citizenship in India. An illegal migrant is described as people who either enrolled the country without proper documents, stayed on beyond the allowable time. In 2015 the govt. done modification about the passport and foreign acts to avowed Non-Muslim refugees from these countries to stay back India even if they entered the country without valid papers. The main loopback of the bill, Muslim community exclude from CAB.

Issues Surrounding the bill

- The integral criticism of the act has been that it specifically targets Muslims. Thus, the religious base of citizenship not only violates the principles of secularism but also liberalism, equality and justice.
- Main opposition parties say the law is discriminatory as it singles out Muslims who constitute nearly 15 percent of country's population.
- It contravention the 1985 Assam Accord, which was signed to end illegal migration irrespective of religion. Under this Accord, any person who came in to Assam after 24 march 1971(just before Bangladeshi war) would be treated as foreigner.
- The bill also disrupts the final draft of the NRC that eliminate nearly 40 lakh people. Because the bill would grant citizenship to all Hindus who came to Assam from Bangladesh even after the NRC cutoff date of March, 1971. So the bill considered to be threat of the cultural and lingual identity of the people of Assam and other North East states in India.

Furthermore, the bill violates the basic tents of the constitution:

- It disobeys the fundamental right to equality under Article 14.
- It also offends the provision of secularism in fundamental right, directive principles and fundamental duties of the constitution.
- India has many other refugees that include Tamils and Srilanka and Rohingya from Myanmar. They are not mentioned under the Act.
- It will be challenging for the government to extricate between illegal migrants and those persecuted.

Modi defend CAB:

Before India's general election in Mid-2019. The BJP liberated its election manifesto which repeat the party commitment to enact a law to grant citizenship to religious minorities within a few months, BJP government introduced the CAA in parliament and explain the objectives of the bill and reasons for execute the bill.

PM Modi in favor of CAB says the constitution of Pakistan, Bangladesh, Afghanistan specify a state religion of Islam, individual from other religious community in these countries face religious persecution that has caused many to depart to India. So, the BJP government presented the bill as measure that allow these migrants to live and work in India. The Home Minister Amit Shah said in the favor of CAB "The Government is not taking away anyone's right but rather is

granting right to people in need". There is nothing disagreeable about the new law, the government is attempting to protect minorities from other countries and the six communities. They faced discrimination and religious persecution and they have no place to go except India.

- Home minister also cited the Nehru-Liaquat pact as per him, the pact failed to achieve its objective in protecting minorities in Pakistan, Bangladesh and Afghanistan.
- The CAB will give new light into the lives of the countries people who are facing religious persecution in neighboring countries.

Opposers of CAA: The names of the opposers of CAA are mentioned below:

1. Congress Chief Sonia Gandhi
2. Party leader Rahul Gandhi
3. Motilal Vohra, Ahmed Patel, Adhir Ranjan Chaudhary
4. Trinamool Congress (M.P) Mahua Moitra
5. AIMIM (All India Majlis-e-Ittehad-ul-muslimeen) leader Asaduddin Owaisi
6. AASU (All Assam Student Union)
7. CPI (Communist party of India)

Instead of the above mentioned so many NGO's, student union, Political Parties are against the CAA and several petitions have been filed against CAA in Supreme court.

Muslim community and Shaheen Bagh:

The Muslim women at Shaheen Bagh has become the hub of nation-wide protests against the citizenship Amendment Act- NPR, NCR. It started as a quite demonstration against the Delhi police bashing Jamia Millia Islamia university student on 13, December, 2019. However, the harsh repression in Jamia that took place on the evening of 15, December, 2019 turned the Shaheen Bagh protest into something else. Hundreds of Muslim sit on road and started protesting.

Nearly hundred days the protest against the CAA took place. The Modi government stood firm saying the CAA bill will not be taken back. PM Modi clarify that the CAA bill does not affect Indian Muslim. But in the month of March-2020 COVID-19 spread all over the world resulting in Lockdown situation. So as a result the anti CAA protestor removed from Shaheen Bagh.

What could be the real reason behind bringing this bill:

1. **BJP trying to create a vote bank:** By providing citizenship to illegal immigrants BJP is trying to create a vote bank

2. **Communalizing the people:** Divide the Hindu and Muslim. By using same policy of Britishers (Divide and rule) BJP wants to rule over India for many years. If the people are against one another then one can easily rule over them.
3. **Mislead people from real issues:** The target of BJP is to distract the people from the real important issues in the country such as Economy, GDP, Growth rate, unemployment, illiteracy, Healthcare system, Women safety. So our governments take strict steps to solve the problems it can be solved only by mass awareness, humanity and positive attitude.

Conclusion:

The CAA is a completely unconstitutional amendment and should be discard. The NPR and NRC apart from being a colossal waste of money, will also lead to a remarkable nation-wide tragedy. Furthermore, this bill is a huge threat to our national security our intelligence agency. Row had expressed the same anxious since illegal immigration would become easier due to this bill. Anyone could just request for citizenship by generating an affidavit declaring he is a Hindu and he would be admitted citizenship very easily. So, if you want your country to scale heights then we need to remain secular.

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