



## The emergence of citizenship act, 1955 and citizenship (Amendment) act, 2019: The introspective analysis

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### Abstract

This paper examines the idea of citizenship introduction in India and the importance of citizenship in determining who gets to elect the country's leaders. Almost every country adheres to the notion of citizenship, which has given rise to many debates and, at the same time, established a clearly defined nation. You may get a thorough explanation of the guidelines that must be followed and the requirements for becoming an Indian citizen in this essay. In December of 2019, the Indian Parliament passed the Citizenship (Amendment) Act. (CAA). A new rule will make it much simpler for non-Muslim refugees leaving conflict in Bangladesh, Afghanistan or Pakistan to become citizens of India. Widespread demonstrations broke out in India shortly after the CAA was approved, leading to the government's use of force to suppress the protesters. In view of this legislation and the associated idea for a state wide National Registry of Citizens, the widespread deprivation of voting rights of Indian Muslims is of great concern. This essay summarizes the CAA and talks about how India's great stride toward religious freedom has historically influenced the country and will continue to do so in the future.

**Keywords:** emergence of citizenship, Indian parliament, religious freedom

### Introduction

A person's civil and political rank and abilities determine his place in society. There are many different types of partnerships in terms of status, such as marriage or legitimacy, as well as capability, such as the ability to enter into contracts or to choose a residence. In addition to the connections of civil status, there are also those of political status, such as nationality, the status of a political refugee, or the status of an alien enemy. A person often occupies a variety of status connections that together determine his place in life in a nation, whether it is his native nation or the nation in which he resides or temporarily resides. This capability, reduced capacity, or inability is also based on his standing.

In Ernest Renan's words, "It is not speaking the same language or belonging to the same ethnic group that makes the Indians a nation; it is having accomplished great things together in the past and a desire to do so in the future." In 1947, the Indian Independence Act was passed. After it was passed, the Indian States became a part of India's constitutional system when they joined the Dominion of India. India subsequently acquired constitutional status. On November 26, 1949, India's newly constituted constitutional assembly proclaimed the nation a Sovereign Democratic Republic, a position that was confirmed by the people and reflected in the Constitution they had just authored, accepted, and granted. Because to this, everyone who was a citizen of India at the time the Constitution was enacted became an automatic citizen of the new India. Who exactly were these individuals? These folks joined together to establish the country. There can be no question about this. However, there is always no room for debate over a person's citizenship if they are found to be one of the persons at the time of the event in question. In a democracy, it is crucial to decide who will use their vote to rule the nation. Additionally, the Constitution contained provisions

that were exclusive to citizens and granted some basic rights to people. They all called for the introduction of citizenship tests and the sequential implementation of certain clauses of the Constitution. Article II of the Constitution, which deals with citizenship, was crucial in achieving this goal. The sections primarily define the first citizens of the nascent Indian Union. Rather than focusing on proof of citizenship, that is what they are after. Citizenship laws went into effect on November 26, 1949, before the Constitution went into effect on January 26, 1950, with the exception of the state of Jammu and Kashmir, when a new proviso to Article 7 was added. A person must have been physically present in the Union of India at the time of its foundation by birth, ancestry, or residency and not have voluntarily acquired citizenship of another country to qualify. The citizenship of Pakistani immigrants posed a novel problem for the Indian Union. Citizenship of such immigrants is guaranteed under the constitution.

Constitutional provisions for citizenship were of a restricted nature. They stopped short of defining what rights people had prior to the Constitution taking effect. After the Constitution's inception, there was no mention of citizenship in the Constitution. However, notwithstanding the requirements in Part II of the Constitution, Parliament was granted the authority to establish any law regarding the acquisition and termination of citizenship as well as any other subjects connected to citizenship. The Citizenship Act of 1955 was passed by Parliament on December 30, 1955, to provide rules for obtaining and losing Indian citizenship. Between 26 January 1950 until the start of the Citizenship Act in 1955, provisions for acquiring and losing citizenship were introduced. With some significant differences from the British Nationality Act of 1948, this is a pretty complete law. According to the Citizenship Act of 1955 or the Indian Constitution, a person is considered to be an Indian citizen. The Citizenship of India is the only citizenship recognized by the Indian Constitution.

### **The secular thought of citizenship**

Citizenship is a "mechanism of inclusion" for competing membership ambitions in a society as diverse as India's. The institutional procedures that define the paradigm for the allocation of cultural, social, political and symbolic resources, privileges, and duties also produce the type of incorporation, or citizenship regime. A citizenship paradigm may be taught by many citizenship conceptions. A citizenship discourse is the political vocabulary used to convey and justify membership conceptions, as well as to constrain their actual meaning. This discourse offers several descriptions that may be used to create a sense of nationalism. The legality of a citizenship discourse's membership concept to foster social groupings and people with various needs and concerns to become involved in the country and to demand of themselves a feeling of Indianness depends on the language's efficiency. Multiple citizenship discourses that represent various notions of membership claims may coexist in a single state; typically, one or a contending pair of discourses becomes the dominant citizenship regime.

Integration of Muslims into the nation posed one of the greatest dangers to India's sovereignty after its independence. After the partition of the subcontinent in 1947, a prolonged procedure started to determine, among many other things, the citizenship status of Hindu and Muslim immigrants across the divided provinces. After the country was divided, almost 45 million Muslims remained, becoming a symbol of the division. India's citizenship laws were created in this context.

Citizenship issues have traditionally focused on disputes between the civic/liberal and ethno-national principles that serve as the basis for granting and defining citizenship. In turn, a republican conception of citizenship prioritizes the common good above the individual citizen's actions. Depending on how citizens contribute to the common good, they are granted certain privileges. The republican language is intrinsically collectivist, which creates and enhances prospects for a strong sense of solidarity, belonging, and security, which may contribute to an individual's self-actualization. So, the republican citizenship discourse may discriminate against people who are not perceived to have a large influence on the common good and might stratify the social body by favoring those who are thought to be essential to it. As a result, it is less understanding of collective complaints. The idea of citizenship as practiced by ethnonationalists bases citizenship on ancestry. Blood connections are the basis of the country. The most exclusive idea of citizenship is this one. For certain groups, it allows them to feel almost completely at home in society and the state. By excluding others, this technique of integration perfectly satisfies the identity claims of the country's ancestral group. In this consideration of a three-fold multiple citizenship framework from the standpoint of the state, the word "citizenship" is defined. Citizenship becomes an objective during the formation of the state, and the essential question is the extent to which the state protects the lives of individuals, particular groups working toward a shared purpose, or a blood-related community. India also has a significant feeling of citizenship. Citizenship, as the basis for membership claims inside the political system of the state, may also imply a desire for minimal engagement with the state in order to protect individuals and organizations, or a feeling of belonging to the state in

society. This idea of the non-statist citizen is present in India. It might be implied that it has an ideological and institutional foundation.

The Constitutional amendments that were enacted in January 1950 were significantly influenced by a liberal individualist idea of citizenship. Being a democratic republic, India provides its inhabitants equal legal protection for their most basic rights. Citizenship knowledge was crucial to the establishment of Indian democracy, which started before India's independence. The Bill of Rights included in the Constitution of India, which was approved in 1895, provides people with a wide range of safeguards. The fundamental rights defined in the 1928 Motilal Nehru Report were a "close precursor" to the Constitution's Basic Rights. The intention of both treaties was to recognize as full citizens everyone born in India or to an Indian parent or who became an Indian citizen. This progressive rhetoric asserts that India will become a home for all of its residents. In a society with a liberal conception of citizenship, it is feasible that a minority's religious and cultural liberties, so long as they are kept private, would be protected under the constitution.

At the same time as the Constitution established a citizenship based on individual rights, a collectivist, republican conception of citizenship started to emerge. The enormous job of reestablishing social cohesiveness after separation seemed impossible without a collectivist citizenship quest and the concept of a common good. In the face of immense uncertainty, "creating Indians" has been bolstered by an ethno-nationalist citizenship narrative that has the potential to further divide India. This lexicon of civic education stressed "national interest" above political concerns and governmental objectives, presenting economic progress within a framework of equality as vital for the common good. Political democracy, according to Nehru, "is insufficient." It must transform into a democracy based on the market. Central to this theory, which forecasts the future success of India's democratic system, are expansive and active state redistributive institutions. For republicans, progress was crucial to consensus building. In response, the government instituted central planning. In a 1954 resolution, the parliament said that one of the objectives of economic and social policy should be to "ensure a fair distribution of national resources."

### **The citizenship act, 1955**

People of any age, race, religion, place of birth, sex, marital status, or nationality who were physically present in the area defined by the Constitution as India's territory and who had a biological or paternal ancestor who was born in that area or had spent the majority of their life in that area were granted citizenship automatically upon the Constitution's enactment. If you are of Indian ancestry and currently live outside of British India, the Indian States, or the Tribal Areas (i.e. "India" as defined by the Government of India Act 1935 as originally enacted), you may apply to register as a citizen of India by submitting an application to the appropriate diplomatic or consular representatives of India in your current country of residence before or after the Constitution goes into effect. To substantiate his claim to Indian origin, the applicant had to provide proof that he or one of his parents or ancestors was born in British India, an Indian state, or a tribal territory.

After India was partitioned into two different nations, the Union of India and Pakistan, the concept of citizenship had

to adapt to the changing circumstances on the ground in each nation. Either there was an influx of settlers from what is now Pakistan into what is now India, or there was a reverse movement from India to Pakistan and back into India. The first condition for Indian citizenship is being born in undivided India or having a parent or grandmother born in India. If an immigrant resided in India prior to the 19 July 1948 establishment of the permission system, they immediately became Indian citizens. Immigrants who arrived in India after July 19, 1948, but prior to the Constitution's enactment on November 5, 1949, had six months to apply for citizenship and present evidence of residence. If a person left India after March 1, 1947 and then returned on a license for resettlement, permanent return, or under the authority of another law, he or she was required to register as a citizen as if they had immigrated from Pakistan after July 19, 1948. A person who moved to Pakistan after March 1, 1947, is not considered an Indian citizen, even if they meet the requirements for citizenship under other sections of the Constitution and despite the fact that most Commonwealth countries are not considered foreign states for purposes of the Constitution.

Indian Citizenship Act of 1955 applies to those born on or after January 26, 1950. The Act has 19 distinct clauses and three supplemental schedules. It describes the processes for requesting and relinquishing citizenship (Chapters 3–7). (Chapters 8–10) The additional clauses of the Act also cover the procedure for regaining Commonwealth citizenship in India. Performing the processes required to get citizenship. Citizenship in India may be acquired in one of five ways: at birth, via ancestry, registration, naturalization, or territorial incorporation.

### 1. By birth (Section 3)

If you were born in India after January 26, 1950, you are immediately considered an Indian citizen. If a person gives birth onboard an unregistered Indian government ship or aircraft, they are still considered to have been born in India. Clause 2(3) states that a person is not considered to have been born in India if they were born on a ship or aircraft that was not registered in India or was unregistered but belonged to the government of another country despite being located in India. Section 3(2) (a) states that a child born in India to a non-citizen father who is also entitled to diplomatic immunity does not automatically become an Indian citizen. [Paragraph 3(2)(b)] This also applies to a citizen or resident of an enemy country who was born in an enemy-occupied zone.

### 2. By descent (Section 4)

This strategy is only accessible to those born outside of India. Citizenship may be traced via the male ancestors of any citizen, regardless of how that person obtained citizenship (birth, descent, registration, naturalization, or incorporation of territory). The United Kingdom has a long tradition of enabling parents to pass on their citizenship to their children, and India has recognized its legal precedents. A child born out of marriage is eligible for citizenship in Australia, Canada, South Africa, and Ceylon via maternal lineage. Consequently, Section 4 of the Citizenship Act of 1955 is null and invalid and in violation of the Constitution since it denies women in India the constitutionally given equality of sex in the context of citizenship by descent. Prior to claiming citizenship by descent, there is no maximum number of generations that must pass. Citizenship is obtained automatically when a parent is a citizen at the

time of birth, as opposed to via descent. All births, save those of government officials' offspring, must be recorded within a year or a longer length of time. Posthumous children receive their father's citizenship based on the status and description of the dead father; if the father died before to the passage of the Act, it is considered that he died after the Act's implementation.

### 3. By registration (Section 5)

With this procedure, persons with links to the nation may become citizens with less stringent standards than those imposed on immigrants. No provision of the Constitution or the Citizenship Act may automatically award citizenship to any individual.

Two individuals with Indian ancestry out of a total of five applicants are: (i) normally living in India at the time of application, and/or (ii) ordinarily resident in a nation other than undivided India. Anybody born in undivided India or to parents or grandparents who were; (ii) married to an Indian citizen; (iii) the minor children of an Indian citizen; and (iv) a citizen of the Republic of Ireland who is at least 18 years old and of sound mind is considered to have Indian ancestry. Each country's legislature has enacted a law requiring that these individuals become citizens. The Government of India must issue a notice recognizing the law [Section 5(e) and Sections 2(1)(b) and 2(1)(c)], but the Government of South Africa must first get the approval of both Houses of Parliament prior to issuing such a notice.

### 4. Through naturalization (Section 6 and Third Schedule)

You may apply for naturalization and become a citizen if you are above 18 years old, of good moral character, and not a citizen of the Republic of Ireland or another Commonwealth nation. Thus, stateless immigrants are equally as eligible for naturalization as those with existing citizenship of another nation.

Unless the candidate is a person of extraordinary distinction, he must meet seven requirements prior to receiving Indian citizenship: (i) he must not be a citizen of a state that prohibits Indian nationals from seeking naturalization there; (ii) he must renounce his former citizenship; and (iii) he must have resided in India for 12 months prior to filing for naturalization, unless a dispensation permitting a shorter time period is granted. Nevertheless, if the immigrant has made remarkable contributions to science, philosophy, art, literature, global peace, or the general improvement of mankind, any or all of these requirements may be waived in order for the alien to become a naturalized citizen. In contrast to legislation in other nations, it is not required that the exceptional service be performed for or to the benefit of India.

After the naturalization oath is taken and the certificate is issued, the new citizen is instantly able to enjoy all citizenship rights and advantages.

### 3. Through territorial incorporation (Section 7)

This is a kind of social naturalization. The Central Government may, by order published in the official Gazette, designate the individuals who become Indian citizens based on their links to an area that ultimately becomes a part of India. At the moment of the issuance of the order, citizenship is said to have been given. Where necessary, the Central Government may provide a certificate confirming that the individual in question is an Indian citizen.

## **Citizenship termination**

### **1. Renunciation (Section 8)**

Unless she is married, an Indian citizen who is also a citizen of another country, is of sound mind, and is not a juvenile may renounce her Indian citizenship. Minor children of that person who renounces likewise lose their citizenship; however, they have the option to proclaim themselves Indian citizens within a year of being 18 years old, at which point they regain their citizenship. Renunciation is prohibited during any conflict that India may be involved in. In India, like in the United Kingdom, there is a distinction between foreign nationals and Commonwealth citizens when it comes to giving up citizenship during wars.

### **2. Loss by willingly acquiring citizenship of another state (Section 9)**

Before the Constitution took effect, a person could not be an Indian citizen if they had freely accepted citizenship of another state. A citizen of India loses his or her citizenship as of January 26, 1950, if he willingly gains the citizenship of "another nation" by naturalization, registration, or another method. An Indian citizen who willingly obtains citizenship of another nation during any conflict in which India may be involved does not forfeit his citizenship unless the Central Government orders him to do so. The Central Government is responsible for determining how and when anybody obtained citizenship in another nation. Rule 30 and Schedule III of the Citizenship Rules of 1956 address this issue. According to one of the laws (Citizenship Regulations 1956 Para 3 of Schedule III), if an Indian citizen acquires a passport from the government of another nation on any particular day, it is conclusive proof that he voluntarily acquired citizenship in that other country. This paragraph was ruled unlawful by the High Court because it went beyond what was permitted by Section 9(2) of the Citizenship Act of 1955. (Syed Mohammad Khan vs the Government of Andhra Pradesh A.I.R. 1957 Andhra Pradesh 1947) When determining whether there has been a voluntary acquisition of citizenship of another country, the Rules also consider other factors, such as whether the Indian citizen moved to a foreign country with the intention of settling there permanently, whether he has actually established permanent residency there, and any other relevant facts. A citizen of India may be questioned about whether or not he has obtained citizenship elsewhere. To determine if an Indian person has gained Pakistani citizenship, certain rules have been imposed. A person's loss of citizenship upon voluntarily acquiring a different citizenship has no effect on his or her children's or the other spouse's citizenship.

### **3. Deprivation of citizenship (Section 10)**

Citizenship may be withdrawn for three main groups of people. They are (i) citizens by naturalization; (ii) citizens who became citizens at the beginning of the Constitution because they had a place of residence in India at the time and had been there for five years before to that date; and (iii) citizens by registration, with the exception of those who did so (a) after relocating from Pakistan on or after July 19, 1948, and (b) who were of Indian origin and habitually resident in India. Apart from deprivation based on residency outside of India, there are five other scenarios in which a citizen may be stripped of citizenship after having the right

to request an investigation. The grounds include (I) gaining citizenship falsely, (II) exhibiting disloyalty or disaffection, (III) participating in illicit commerce or other activities that help an enemy during a war, (IV) spending more than a year in jail within five years after naturalization, and (V) residing permanently outside of India for seven years.

In addition to the five categories listed above, two more groups are eligible for registration: (i) anybody whose citizenship has expired or who has renounced, and (ii) any juvenile.

The loyalty oath must be taken, and citizenship becomes effective on the day of registration.

## **Overview of citizenship (Amendment) Act, 2019**

### **Need of citizenship (Amendment) Act, 2019**

The government asserts that the Act was required due to the predicament of minority in Muslim-majority nations. The purpose of the Act is to offer citizenship to illegal immigrants and others who cannot present evidence of legal status. The Citizenship Amendment Act of 2019 cuts the qualifying period for Indian citizenship from 11 to 5 years for illegal immigrants from Pakistan, Bangladesh, and Afghanistan who entered the country before December 31, 2014, awarding them citizenship. This opens the door for the migrants to become citizens without having to prove their legal presence. For this reason, and provided the aforementioned conditions are met, the CAA will facilitate such migrants' acquisition of citizenship. As a result, the CAA 2019 was passed to make the naturalization process easier for refugees fleeing religious persecution in the aforementioned three countries.

### **Features of citizenship (Amendment) Act, 2019**

1. The Indian Citizenship Act of 1955 clearly prohibits citizenship for anyone who unlawfully enter the nation. One of the primary motivations for passing this bill was to amend the Citizenship Act to allow illegal immigrants who escaped persecution in India's neighbors to petition for Indian citizenship. Under the new rule, only Buddhists, Hindus, Sikhs, Jains, Parsis, Christians, and Afghans were permitted. Individuals who "fled religious persecution or feared persecution" in Afghanistan, Pakistan, or Bangladesh were expressly protected under the Act.
2. In addition to this change, the law also made a number of additional modifications. We must first note that as of December 31, 2014, the deadline for obtaining citizenship had been moved up. This meant that if you had entered India prior to the cut-off date, you would not be eligible to petition for citizenship until that date had passed.
3. Third, the amendment lowered the minimum age for naturalization from 11 to 5 years for members of the six religious minorities.
4. Section 7D of the law introduced amendments for Overseas Citizens of India (OCI) holders. If either the applicant or their spouse is of Indian descent, then the foreign national can apply for an OCI. Cardholders will be eligible for a variety of privileges, including the ability to work and attend school in the country.
5. According to Section 6B, Clauses 2 and 3 of the Act, those who enter India in this way are automatically considered to be Indian citizens as of the date they arrived, and all pending legal actions related to their unauthorized immigration or citizenship status are dismissed.

### **Exceptions to citizenship (Amendment) Act, 2019**

This Act has two significant exclusions. Initially, the states of Meghalaya, Tripura, Mizoram, and Assam would be excluded from the Act's restrictions since they have major tribal communities. This exemption exists primarily because these states are included in the sixth schedule of the Indian Constitution. Second, the Bengal Eastern Border Regulation Act of 1873 does not apply to inner boundary notification zones.

### **Shortcomings of citizenship (amendment) Act, 2019**

#### **Religious centric approach**

The Act's heavy emphasis on religion was one of its main flaws. Citizenship under the Act has been considered to be subject to religious discrimination. Startlingly, roughly 144 petitions challenging the 2019 CAA Act have been submitted to the Supreme Court. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has also determined that the Act is "fundamentally discriminatory." Many people were also worried that the Act's stringent requirements would make Muslim citizens stateless.

It was also widely held that the exclusion of other religious minorities, such as Buddhists, Hindus, and Muslims from Myanmar, Tibet, and Sri Lanka amounted to a form of discrimination. Therefore, it has been claimed that granting citizenship should be the Act's principal goal; if the Act grants citizenship to religious minorities in three neighbouring nations, then it should grant citizenship to all religious minorities who have been persecuted or fear persecution. For instance, the new Bill makes no mention of the religious oppression suffered by Shias and Ahmedis in Muslim-majority nations like Pakistan.

#### **Constitutionality**

The Act's constitutionality has also been addressed as an important concern. Welcoming illegal immigrants based only on their faith violates secularism and Article 14 of the Indian Constitution, which guarantees that all people be treated equally under the law. As expressed by the 42nd Amendment to the Constitution, which inserted the term "secular" to the preamble, the State shall not be dominated by a single religion; rather, all faiths will be shown equal respect. This also ensures that no policy would give special treatment to any particular faith. Obviously, the CAA only took into account the six largest religious minorities.

Moreover, Articles 25 and 26 of the Indian Constitution have been criticised. Each individual has the right to freely observe the religion of his or her choice thanks to the protections afforded by Articles 25 and 26. It is possible that members of other religious minority will be coerced into converting to another faith in order to qualify for the privileges afforded by the CAA 2019, which would significantly limit their ability to freely practise their own faith.

#### **Technical and legal shortcomings**

In the 2019 Report of the Joint Parliamentary Committee on the Citizenship Amendment Bill, many technical and legal issues in the CAA 2019 were also identified. This study contends that the CAA discriminates against minorities since it does not utilize the word "minority" and instead recognizes just the six non-Muslim minorities. Also, the report's authors thought that using religious terms

exclusively when identifying categories was a violation of the Constitution's underlying principles. A number of minority groups, including those classified as Scheduled Castes (SC) and Scheduled Tribes (ST), were highlighted in the report as examples of how the Indian Constitution treats them. Therefore, it was claimed that it would have been more appropriate to use the word "persecuted minorities" instead of mentioning religions.

#### **Assam discord**

Strong resistance to the Assam Divide and the CAA has also surfaced. There were rumors that the CAA opposes the Assam War. It is problematic because 1974 was altered to 2014 and that Muslim and non-Muslim migrants were handled differently. This is because non-Muslim Bangladeshi migrants who entered Assam after 1971 are also permitted to apply for Indian citizenship. This would undoubtedly upset the people of Assam and the adjacent North Eastern states. The study stressed that the identity of indigenous people should not be compromised in any manner due to their citizenship. In the end, the Act was changed to address this concern by omitting several northeastern states and the 'Inner Line' area (Arunachal Pradesh, Nagaland, and Mizoram).

#### **Other issues**

Others contended that the CAA should not apply to atheists and Jews because of its religious exemptions. Additionally, landlocked neighbors of India such as Nepal, Bhutan, and Myanmar were left out. It's interesting to note that the 'Statement of Objects and Reasons' gives constitutional validity to a state religion as the rationale for this exclusion. The purpose of the Act is to shield religious minorities from persecution in certain places.

#### **The aftermath of the citizenship (Amendment) Act.**

Nationwide demonstrations were staged in protest to the 2019 CAA Act. After the Bill was enacted, there were demonstrations and rallies all around the country. The Bill was panned not just in India, but all throughout the world. Indian protesters took to the streets in places like Washington and North America to voice their opposition to the Bill. College and university students also participated in these demonstrations. The country was taken aback by the government's reaction to the demonstrations. It was widely condemned that police had used tear gas and batons on the protesters. During the violent riots in North East Delhi on February 24th, 2020, over seven people were murdered and over 200 were injured. Meanwhile, it is estimated that at least 27 persons have lost their lives due to the continuing violence in Uttar Pradesh and Kanpur. The famed Muslim neighborhood of Shaheen Bagh became the epicenter of the push to reject the CAA. The 2019 Act's passage was met with violent protests in Assam. In the wake of the Assam demonstrations, nearly five bodies were discovered. Fears that the Bill, by making persons of diverse cultural backgrounds and linguistic backgrounds eligible for citizenship, would upend the established order in the North-Eastern states kept Guwahati at the center of the protests. These demonstrations ended when the COVID-19 epidemic hit. Despite the pandemic, the government continued its onslaught on activists. There has been a steady stream of arrests and detentions of protesters and students by the government. The Unlawful Activities (Prevention) Act of

1967 is infamous for its draconian bail requirements, which have resulted in the detention of several young activists. UNHCR has spoken out against these arrests, saying that by targeting activists and students, the Indian government is merely silencing those who oppose the discriminatory bill.

### Current developments

Recently, Nobel laureate economist Amartya Sen said that a strong voice is required when a society is split due to "political opportunism." He further said that the practice of throwing innocent individuals in jail has persisted long after independence was achieved. This was said after activist Umar Khalid was arrested in September 2020 for his involvement in the violent events that took place in North-East Delhi in February 2020, which resulted in the deaths of 53 persons. He was especially troubled by the continued mistreatment of politically active citizens. No fair trial can be expected for such defendants. He also called for solidarity among the populace.

Sukanta Majumdar, head of the BJP in West Bengal, has declared that the CAA would be implemented before to the Lok Sabha Elections in 2024. He continued by stating that a party like the BJP will never fail to deliver on its pledges to its people. He also highlighted Ram Mandir as an example.

The "Chief Judicial Magistrate (CJM) Court" recently rejected the Assam Police's final report about the death of a young child during anti-CAA rallies. The boy's father believed the cops had fatally shot his kid. Authorities replied that they had no alternative but to use tear gas and rubber bullets to disperse the crowd, and that as the situation escalated, blank fire was used, resulting in the death of the kid. Courts have finally recognized government and police brutality.

In a recent remark, Union Minister of State for Home Nityanand Rai made it plain that the government has no further intentions to amend the CAA Bill. With the Central Government's announcement of the guidelines, he stated, eligible recipients may petition for citizenship. The regulations must be publicized within six months following presidential approval, or an extension must be requested. The deadline for the government to notify the rules has been delayed for the sixth time.

### Conclusion

The Citizenship (Amendment) Act of 2019 was undoubtedly a surprise to the Country. One group welcomed the change with enthusiasm, whereas the other group strongly disapproved and voiced their displeasure. Again, religious divides served as a wedge issue throughout the country. This Act was a catalyst for the schism between Muslim and non-Muslim societies. Despite the government's best efforts to explain why this Act had to be passed, it was met with widespread opposition from activists and students. Not only was the government's response to the protesters brutal, but it was also exceedingly insensitive. This raises the issue, "Is India indeed secular?". The right to say what you want? The fact that 100 lives were lost due to the CAA protests raises serious questions about the wisdom of passing a Bill widely viewed as discriminatory and whether or not people really have a say in a really democratic society like India. There is no doubt that the CAA Act has diminished people's faith in their government. This demonstrates a callous attitude for human life in general. The government should only imprison individuals who are actually instigating violence, rather than those who appear to have raised a sincere voice

in opposition to the Act. At all times, citizens must work together to put pressure on their government to protect their most fundamental rights. At all times, the people must insist on a secular and democratic form of government.

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