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Krati Vats
Student of LL.B (Hons.)
Galgotias University

CITIZENSHIP AMENDMENT ACT: A BLESSING TO THE SOCIETY

WHAT IS CITIZENSHIP AMENDMENT ACT?¹

The citizenship Amendment Act is forgiving or providing citizenship to the people who are either Hindu, Parsi, Christian, Buddhist, and Jain from our three Muslim majority country named as Pakistan, Afghanistan, and Bangladesh. ²

As we know that at the time of the India Pakistan partition in 1947. Some people are migrated from India to Pakistan. And the mentioned above countries are the part of India in history so we can say that India is the mother of these three countries i.e Pakistan, Afghanistan, and Bangladesh so through this amendment government trying to provide citizenship to the tortured peoples who are in the minorities in the above-mentioned countries.

For instance, we can say that by the virtue of this amendment the Indian Government is trying to provide citizenship to the refugees from these mentioned countries. It is just to save these peoples from torture and harassment which they are facing there.

It is a myth that the citizenship of the Indian was taken back from the virtue of this act.

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PERSPECTIVE OF THE GOVERNMENT FOR MAKING THIS AMENDMENT

The government of India stated that the amendment in this legislation is important as the making changes in Article 370. Mr. Rajnath Singh (the Defence Minister of India) clearly states that the minorities in the neighboring countries have been subjected to continuous persecution in the neighboring countries which are Islamic states or the Muslim majority countries. The persons from these groups are minorities there and they have been persecuted there. And they are forced to seek asylum in India. This amendment was brought with the spirit of the Modi government “**SARV DHARAM SAMBHAV**”.

So the government of India said that there is not any violation of any article or any provision of any article. Because the reasoning of this amendment is in the moto “Sarv dharma sambhav”.

REASON WHY OTHER POLITICAL PARTIES OPPOSING THIS ACT

¹ What is Citizenship Amendment Act, Business Standard, <https://www.business-standard.com/about/what-is-citizenship-bill/3>

² Rahul Tripathi, Citizenship Amendment Act, 2019, Economic Times, Dec 23, 2019, <https://economictimes.indiatimes.com/news/politics-and-nation/citizenship-amendment-bill-decoded-what-it-holds-for-india/articleshow/72466056.cms>

The other political parties say that by the virtue of this amendment there is a violation of article 14 of the constitution which talks about Equality. They have given the Explanation that the government is giving citizenship to the only those people who belong to the following sects; Hindu, Parsis, Buddhist, Christian, and Jain, and this may lead to discrimination on the basis of the religion or their beliefs.

But from my point of view, this amendment is to protect the harassed people from the above-mentioned countries. So, for instance we can say that this amendment does not violate the Constitution rather this is for saving the human rights of that harassed people.

And the fact is that the opposition party arguing the it is against the article 14 of the Indian Constitution Article 14 which talks about the Equality before law.

ARTICLE-14 OF INDIAN CONSTITUTION-

*The state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.*³

Opposers also states that the given citizenship amendment act infringes the fundamental right and as per Article 13 any law or act violating the fundamental rights can be struced down. By the application of Doctrine of eclipse and Doctrine of Severability.

Certain test was conducted but the result was same that the Citizenship Amendment Act does not violates any fundamental right of the Constitution of India.

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GLOBAL ASPECT OF CITIZENSHIP AMENDMENT ACT⁵

The core issue of the present discussion here is that are we waning our magnificent position from the global stage due to this contentious legislation? This answer is in an affirmative note, why, because since the enactment of the contentious Citizenship Amendment Act 2019 by the Indian Parliament, we have been losing our trusted allies from the global politics. Senior diplomat and former national security advisor Shiv Shankar Menon has termed the present crisis in following words, the CAA and the revocation of Article 370 from Jammu and Kashmir, these two incidents had led to India being isolated from the international community, even our traditional allies questioning our action. India's international humiliation continues since the revocation of Article 370 from the state of Jammu and Kashmir in August 2019 and unanticipated reaction received from the international community especially from the United Nations, United States, European Union, and China. In September 2019, at UN General Assembly annual meet Malaysia and Turkey come down heavily against India over the issue of revocation of special status from Jammu and

³ INDIA CONSTI.art.14

⁴ Shivam, Constitutionality Analysis of the Citizenship (Amendment) Bill 2019 And Allied Sub ordinate Legislation, Vol.2, Winter Issue 2018, IJI Law Review

⁵ Narender Nagarwal, Global Implication of India's Citizenship Amendment Act 2019,

https://www.researchgate.net/publication/338673204_Global_Implications_of_India's_Citizenship_Amendment_Act_2019

Kashmir, prolonged locked-down and violation of human rights. President Recep Erdogan of Turkey raised the human rights issue of people of Kashmir and asked solution of the problem through justice and equality instead of conflicts, denial of basic rights and state-sponsored violence, while addressing the UN General Assembly on September 24, 2019. After the flak from Turkey, Malaysian PM Mahathir Mohammed acknowledged that his remarks at the annual United Nations conference in New York made a bad impact on bilateral ties between India and Malaysia, he described the current tense situation between the two nations a kind of economic war. The economic rift with Malaysia at such juncture when Indian economy already in dwindled side a manifestation of sheer diplomatic fiasco.⁶

AFTER CAA ECONOMIC SETBACK

A lot of conclusions can be made from this series of understandings following the enactment of controversial citizenship legislation. The most profound is the rift between those who see the international community has responded strongly to the denial of justice and the rights of minorities. In addition, on the economic front, some thinkers see developments as a big setback for India. The trade war with Malaysia and the suspension of exports of defense to Turkey have profoundly upset India's economic interest. Some of the present dispensation's major political decisions have seriously jeopardized India's interest and the economy is under extreme menace. India has faced a "huge slowdown" with its economy heading for an intensive care unit because of some directionless choice. Senior internationally renowned economist and former head of the office of the IMF India, Josh Felman, said India is facing multi-corner challenges — including banks, infrastructure, plus NBFCs and real estate firms — and is caught in a competitive growth of adverse interest. This is definitely no ordinary slowdown. Attracting foreign investment for nation stability, peace, and harmony is a prerequisite condition. The foreign media frequently reporting on prolonged locked up in many parts of the world in the aftermath of CAA, internet access has been denied to people, many reports of deep antipathy towards minorities, an increasing culture of curfew are not a positive sign of making any serious efforts to revive the economy.⁷

IS CITIZENSHIP AMENDMENT ACT VIOLATES CONSTITUTION OF INDIA

From the perspective of the author and from the research we can say that this amendment does not harm or violates even the single provision of the constitution this amendment was brought to save the humans from harassment their motive is to protect their human rights.

When the opposition parties said that this citizenship amendment act violates Article 14 of the constitution of India which talks about Equality and because this amendment is for giving citizenship to the specified sects but this will seem so when we do “literal interpretation”.

But when we try to understand the logic behind the amendment then we come to know that this is just for protecting the humans from the violation and harassment as well.

⁶ Narender Nagarwal, Global Implication of India's Citizenship Amendment Act 2019, https://www.researchgate.net/publication/338673204_Global_Implications_of_India's_Citizenship_Amendment_Act_2019

⁷ Narender Nagarwal, Global Implication of India's Citizenship Amendment Act 2019, https://www.researchgate.net/publication/338673204_Global_Implications_of_India's_Citizenship_Amendment_Act_2019

We should think this in consequence with the Article 21 of the Constitution of India which talks about Right to Life with Dignity so we can know that this is just to secure the life of the tortured people and tortured people in these three countries are minorities of these countries and the minorities are Hindu, Parsis, Jain, Christians, and Buddhist. So this amendment came into force for the protection of humanity.

WHY THIS ACT GIVES THE PROTECTION TO THE MINORITY OF THE PAKISTAN, BANGLADESH, AND AFGHANISTAN ONLY

For instance, when reading the earlier history we came to know that Afghanistan, Pakistan, and Bangladesh are the parts of India in the earlier history so we can say that their ancestors were the citizen of India so somehow we can say that they can have citizenship of India.

The citizenship is being provided to the minorities of the respective countries because they are tortured over there.

And the answer of the above question is that because these three countries are the part of India that's why we are trying to give them security and because of that, we are trying to their life because they also have the right to live with human dignity and this right that is right to life dignity is also a human right as well.

From my point of view, this is a great amendment done by the government of India. Because by amending this act government is trying to save humanity and protecting humanity. And as we know that our Indian Culture always teaches us to save humanity. And I think this decision of the government is based on the Indian Culture and for preserving the human rights of these harassed peoples.

WHAT CHANGES WERE BROUGHT BY CITIZENSHIP AMENDMENT ACT

CAA provides benefits to the person ~~who came to India~~ and they belong to the community of Hindu, Parsis, Buddhist, Christian, and Jain before 31st December 2014. And they must have arrived from Pakistan, Bangladesh, Afghanistan.

The requirement for them to stay in India for at least 11 years before applying for Indian citizenship has been reduced to five years.

Those belonging to these mentioned religions, coming in from the three countries stand a chance to become Indian, even if they don't have requisite documents. Moreover, they will not be deported for not having documents.

So in the other words, we can say that for getting citizenship by the virtue of this provision we should have come to India before 31st December 2014 and they must have belongs to the community of Hindu, Parsis, Christian, Buddhist, and Jain and they must belong to the Pakistan, Afghanistan, and Bangladesh. Also, the requirement for staying in India has been reduced earlier it was 11 years but now it is 5 years.

ADVANTAGES TO HAVE THE CITIZENSHIP AMENDMENT ACT

- This amendment helps in securing the human rights of the people.
- It also helps in controlling terrorism globally.

- This amendment provides citizenship to the refugees who seek asylum from these three countries.
- This amendment act does not infringe on other's fundamental rights but this amendment provides citizenship to those people who were seeking asylum from India.
- This amendment is helped to develop peace in the society.
- As a Result this helps in the economic growth as well in the increment of the GDP of the Indian Economy.

MYTHS ABOUT THE ACT

- Indian citizens have to prove their citizenship.
- This amendment violates the provision of the Constitution.
- Giving citizenship only to minorities violates the fundamental right.
- creates differences between the communities.
- Providing citizenship to the refugees infringes their fundamental right.

CONCLUSION

From the above research, we can conclude that this amendment is really a blessing for the society this amendment helps us to save human rights, humanity, and Indian Culture.

And I can say that my hypothesis about this topic was correct.

I think we just need to change our prospects for the better knowledge of this amendment.

Many Time honorable Mr. Amit Shah [Home Minister of India] assures that this amendment is for giving the citizenship not for taking the citizenship of anyone. And if the person born in India then he does not to prove their citizenship only those people who entered illegally in India they need to prove their identity.

From my point of view, this is a very good decision of the Indian government we as a responsible citizen has to support the government. And also thinks about every prospective of the amendment.

From the prospective of the author the citizenship to the refugees does harm the citizenship of the Indians so we should accept this legislation by listening the prospective of the framers of the legislation.