

# **RESEARCH PAPER**

**Topic: Citizenship Voyage: Aspects and Reality, 1955-2019**

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## Citizenship Voyage: Aspects and Reality; 1955-2019

### ABSTRACT

Citizenship is the status of a person living in a state or nation. It provides certain rights and security to the individuals or citizens living in a state and in turn people owe duty of obedience towards their state or nation.<sup>1</sup> This paper seeks to deal with the journey of citizenship i.e., how citizenship came and what is the need of citizenship in India. Further, the paper also focusses on the Part II of the Indian Constitution which contains section 5-11 and deals with the citizenship of India at the commencement of the Constitution. It also deals with the Citizenship Act, 1955 and the several amendments which have been made to it. The main emphasis of the paper is on the recent amendment to the act which is termed as the Citizenship Amendment Act, 2019 and the issues or the riots which have raised in the different part of the country with the enactment of the act. This paper will also help to understand the aspects and reality of the Citizenship Amendment Act 2019, (CAA 2019).

**Keywords:** Citizenship, Part II of the Constitution, Citizenship Act, Inner Line Permit, Sixth Schedule of the Constitution, NRC, CAA,2019

### INTRODUCTION

Citizenship is a status of an individual living in a state or nation who is recognized by law as an individual who is legally living in that sovereign state or nation. The individual who is enjoying such status is called a citizen of that state. Citizenship is accorded to a person who is legally recognized by the law of a nation. It allows the citizens living in a nation, to enjoy certain rights and security and in turn citizens are required to owe duty of obedience towards their nation's law.

At the time of partition of India and Pakistan, people were massively ousted from both side of the border and was accompanied by violence and homelessness on the massive scale. As far as Indian Citizenship was concerned, there existed lacuna with respect to the Citizenship of India, from the time of independence in 1947 until the adoption of the constitution of India in 1949 by the Constituent Assembly. There had been a question which had raised within the mind of the framers

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<sup>1</sup> The Editors of Encyclopedia Britanica, Citizenship, Britanica, (18<sup>th</sup> April, 2021 at 1:03 am) <https://www.britannica.com/topic/citizenship>

of Indian constitution while drafting the Constitution that “who will get the Indian citizenship or who will not and what should be the criteria while deciding the same”. To unravel this puzzle, the framers of Indian Constitution made provisions regarding Indian citizenship in the **Part II**<sup>2</sup> of the Constitution of India under Articles 5-11.<sup>3</sup>

**Article 5** deals with the citizenship at the commencement of the constitution of India. The basis of providing citizenship under this article is domicile, that is, it allows citizens to acquire Indian citizenship on the basis of domicile in the territory of India. **Article 6** deals with citizenship on the basis of migration. That is, if a person has migrated to India from Pakistan, then he will be eligible to acquire Indian citizenship on the basis of migration into the territory of India from the territory which is now included in Pakistan. **Article 7** is about the citizenship of migrants who have migrated from India to Pakistan. As per this section, the citizenship of a person, who has migrated after the first day of March, 1947, from the territory of India to the territory which is now incorporated in Pakistan, comes to an end, that is, the person shall not be considered as a citizen of India. **Article 8** governs the citizenship of persons who are of Indian origin but reside outside India. As per this section the ground of providing Indian citizenship to a person, who is ordinarily residing in any country outside India, is the birth of that person or either of his parents or any of his grandparents, that is any of the aforesaid persons must be born in India then only that person shall be entitled to acquire Indian citizenship. However, **Article 9** takes away citizenship of a person who has voluntarily acquired the citizenship of any foreign country. Accordingly, such a person, shall not be deemed as the citizen of India and thus ceases to be an Indian citizen. **Article 10** deals with the continuance of the rights of the citizenship of a person who is considered as a citizen of India under any of the aforesaid provisions of Part II of the Indian Constitution. As per it such a person shall continue to be an Indian citizen but the person shall subject to the provisions of any law that may be enacted by the Parliament. **Article 11** is about the power of the Parliament to regulate the rights of citizenship by law. This section has provided power to the Parliament to

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<sup>2</sup> Indian Constitution articles 5-11

<sup>3</sup> Abhinav Chandrachud, The Origin of Indian Citizenship, Bloomberg Quint, (18<sup>th</sup> April, 2021 at 1:04 am) <https://www.bloombergquint.com/opinion/citizenship-amendment-act-the-unsecular-origins-of-indian-citizenship-by-abhinav-chandrachud>

make any provision with respect to the Indian citizenship, that is, with respect to the acquisition and termination of citizenship and all other matters relating to the citizenship of India.<sup>4</sup>

According to above-mentioned Article 11 of the Constitution of India, the Parliament of India is empowered to make any law to regulate the rights of citizenship of Indian citizens. This provision resulted into the enactment of the Citizenship Act 1955 by the Parliament. The Citizenship Act, 1955 governs the acquisition and determination of Indian Citizenship. It was enacted by the Parliament in the Sixth Year of the republic of India. The provisions which are given in **the Citizenship Act, 1955**<sup>5</sup> *inter alia* are as follows:

**Sections 3 to 7** is about the acquisition of citizenship. **Section 3** provides citizenship on the basis of birth of a person according to which, *inter alia*, the person who is born in India either on or after the 26<sup>th</sup> day of January, 1950 or on or after the 1<sup>st</sup> day of July, 1987, but the birth of that person must be prior to the commencement of the Citizenship (Amendment) Act, 2003, then that person shall be eligible for Indian citizenship on the basis of birth in the territory of India. In case of birth of a person on or after the commencement of the Citizenship (Amendment) Act, 2003, the person shall be eligible to acquire citizenship under this section, if either both of his parents or one of his parents is a citizen of India at the time of his birth subject to a condition that the other one must not be an illegal migrant. **Section 4** deals with the acquisition of citizenship on the basis of descent. It deals with the citizenship of such a person, that is, it provides citizenship to such a person, who is not born in India but whose father is a citizen of India (if his birth occurred after 26<sup>th</sup> January 1950 but prior to 10<sup>th</sup> December 1992) or either of his parents is Indian citizens (if his birth occurred after 10<sup>th</sup> December 1992) at the time of his birth then that person shall be considered as an Indian citizen. Further, it also provides that in case where either of the parents of such a person is a citizen of India by descent then the person shall have to register to acquire Indian citizenship under this section. **Section 5** is about the acquisition of citizenship by registration. Even a person, who is not a citizen of India but is willing to be an Indian citizen can acquire Indian citizenship under this section, that is, citizenship by registration. **Section 6** provides citizenship by naturalization. This section provides citizenship to a person who is of “full age and capacity” but is not an illegal migrant. As per this section, after determining the qualification of such person as

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<sup>4</sup> Indian Constitution articles 5-11

<sup>5</sup> The Indian Citizenship Act sections 3-10

detailed in the Third Schedule of the Citizenship Act, 1955 the central government grants the certificate of naturalization and thereafter, that person must have to take the oath of allegiance as per the Second Schedule of the act, then only the person shall be considered as a citizen of India.

**Section 7** deals with the citizenship of the overseas citizens of India. According to this section, the person, who belongs to a territory who was initially not the part of Independent India but subsequently included in the territory of India, then that person shall be eligible to be an Indian citizen under this section.

**Sections 8-10** deal with the termination of citizenship. **Section 8** is about the renunciation of Indian citizenship. If a person, who is of “full age and capacity”, is making a declaration that he is renouncing his/her Indian Citizenship and the declaration has been made in prescribed manner and registered by the prescribed authority, then upon such registration, the citizenship of that person shall come to an end under this section. Further, it also provides that, every minor child of a person, who ceases to be a citizen of India under this section, shall also ceases to be an Indian citizen after his/her parents’ citizenship comes to an end under this section. Also, such child, within one year after attaining the full age, can make a declaration in a prescribed manner showing his/her willingness to be an Indian citizen and after such declaration he shall be considered as a citizen of India. **Section 9** is about the termination of Indian citizenship. According to this section, if a person has voluntarily acquired citizenship of any other country, then upon acquisition of such citizenship, the Indian citizenship of that person shall be automatically terminated. **Section 10** deals with the deprivation of the Indian citizenship.

The citizenship act 1955 has been amended many times. The various amendments which have been made to it are: **The Citizenship Amendment Act 1985** introduced Assam Accord in **section 6A** which deals with the citizenship of persons which come under the Assam Accord.<sup>6</sup> **The Citizenship Amendment Act 1986** provides that, a person is eligible to acquire Indian citizenship on the basis of the citizenship of either of his/her parents at the time of his birth, that is, either of the parents must be an Indian citizen at the time of the birth of that person to be considered as a citizen of India.<sup>7</sup> **The Citizenship Amendment Act 1992** *inter alia*, amended section 4 of the Citizenship Act, 1955, according to which a person who is not born in India but whose father is a

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<sup>6</sup> The Indian Citizenship (Amendment) Act, 1985 (India)

<sup>7</sup> The Citizenship (Amendment) Act 1986 (India)

citizen of India (in the case where his birth occurred after 26<sup>th</sup> January 1950 but prior to 10<sup>th</sup> December 1992) or either of his parents is an Indian citizen (in the case where his birth occurred after 10<sup>th</sup> December 1992) at the time of his birth then that person shall be considered as an Indian citizen.<sup>8</sup> **The Citizenship Amendment Act 2003** *inter alia*, amended sections 2, 4, 5, 6, 8, 9, 14, 17, 18, and the Third Schedule, substituted a new section for section 3 of the principal Act and second Schedule by a new Schedule, inserted heading and new sections 7A, 7B, 7C, 7D after section 7 of the principal Act, 14A after section 14 of the principal Act and 15A after section 15 of the principal Act and Fourth Schedule and omitted sections 11, 12 and First Schedule of the principal Act. It also introduced and defined the concept of ‘illegal migrant’, who could be jailed or deported.<sup>9</sup> **The Citizenship Amendment Act 2005** is related to the amendment of sections 2, 5, substitution of new section for section 7A and omission of Fourth Schedule.<sup>10</sup> **The Citizenship Amendment Act 2015** *inter alia*, introduced the concept of overseas citizen of India cardholder (OCC) that replaces and merges together Overseas Citizen of India (OCIs) and Person of Indian origin (PIOs).<sup>11</sup> The recent amendment which is **The Citizenship Amendment Act 2019** deals with the amendment of sections 2, 7D, 18, and Third Schedule of the previous act. It also inserted a new section 6B.<sup>12</sup>

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### **The Citizenship Amendment Act 2019:<sup>13</sup>**

The recent amendment which is made to the Citizenship Amendment Act 1955 is the **Citizenship Amendment Act 2019 (CAA 2019)**. It has been enacted by the Parliament in December, 2019. Its objective is to make easy to get Indian citizenship for the religious minorities (non- Muslim) from the three neighboring Muslim majority countries Afghanistan, Pakistan and Bangladesh. However, CAA 2019 is not applicable to the tribal areas of Assam, Meghalaya, Mizoram and Tripura as these are included in the Sixth Schedule of the Constitution of India and the areas which are covered under the Inner Line Permit notified under the Bengal Eastern Frontier Regulation 1873.

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<sup>8</sup> The Citizenship (Amendment) Act, 1992 (India)

<sup>9</sup> The Citizenship (Amendment) Act, 2003 (India)

<sup>10</sup> The Citizenship (Amendment) Act, 2005 (India)

<sup>11</sup> The Citizenship (Amendment) Act, 2015 (India)

<sup>12</sup> The Citizenship (Amendment) Act, 2019 (India)

<sup>13</sup> Shaswati Das, Amid unrest, CAA comes into effect, Livemint, (18<sup>th</sup> April, 2021 at 1:20 am) <https://www.livemint.com/news/india/amid-unrest-cao-comes-into-effect/amp-11578757983569.html>

The Citizenship Amendment Act 2019 proposes that Non- Muslim communities such as Hindus, Sikhs, Buddhist, Jains, Parsis, and Christians from the three neighboring countries; Afghanistan, Bangladesh, and Pakistan, who entered India on or before December 31<sup>st</sup>, 2014 will not be treated as illegal immigrants even, they have entered India without valid documents such as passport or other travel documents.

Further, the act also provides that these non-Muslim communities belonging from the three aforesaid countries will not be deported as illegal immigrants under the Passport (Entry into India) Act of 1920 and the Foreigners Act of 1946. According to the provisions of the Citizenship Amendment Act, 2019, citizenship will be granted to these non-Muslims communities by relaxing the requirement of residence in India, for citizenship by naturalization, from 11 years to 5 years. However, provisions of the citizenship will not apply to two categories; states protected by the Inner Line Permit and the areas covered under the Sixth Schedule of the Constitution.

- To safeguard the tribal of eastern part of the Bengal, British Government established Inner Line Permit under the Bengal Eastern Frontier Regulation, 1873. Inner Line Permit is a permission which is granted to a person who wants to enter the tribal areas for tourism or any other purpose but does not belong to the tribal areas. It is applicable to the four northeastern states which are Mizoram, Arunachal Pradesh, Nagaland, and Manipur.<sup>14</sup>
- The Sixth Schedule of the Constitution is about the governance or administration of the tribal areas in the four northeastern states of Assam, Meghalaya, Tripura, and Mizoram as per Article 244 of the Constitution. The government is empowered to increase or decrease the areas or change the names of the autonomous districts. According to this schedule, the acts of parliament or state legislature do not apply to autonomous districts or autonomous regions or can be applied with specified modifications and exceptions.<sup>15</sup>

The Citizenship Amendment Act 2019 also empowers the government to withdraw registration as overseas citizen of India cardholders due to any violation of the citizenship act or any other laws being in force.

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<sup>14</sup> Arabhi Anandan, Explained: What is Inner Line Permit, LiveLaw (18<sup>th</sup> April, 2021 at 1:22 am) <https://www.livelaw.in/know-the-law/what-is-ilp-151145>

<sup>15</sup> Mahendra P Lama, Sixth Schedule: Lawyers of Autonomy, The Statesman, (18<sup>th</sup> April, 2021 at 1:23 am) <https://www.thestatesman.com/northeast/sixth-schedule-layers-of-autonomy-1502752499.html>

## Statements of Objects and reasons<sup>16</sup>

- i. At the time of partition of India in 1947, there were millions of citizens with diverse faith of undivided India, who used to stay in the areas of Pakistan and Bangladesh. In Pakistan, Bangladesh and Afghanistan, their constitutions have the provisions for a specific state religion which resulted in religious persecution faced by many people belonging to Hindu, Sikh, Jain, Buddhist, Parsi, and Christians communities in these countries. Their right to practice, profess, and propagate, their religion has been curtailed and this is why many of them have fled to India for shelter and also, they continued to stay in India since then, even after the expiration of their travel documents or even in case of having incomplete or no documents.
- ii. According to the existed provision of the act i.e., Citizenship Act, 1955, if the migrants belonging to the aforesaid six communities from Afghanistan, Pakistan, and Bangladesh, entered into India without valid and required documents or if validity of their documents have reached beyond the expiration date, then they were considered as illegal migrants and were not eligible to apply for Indian citizenship under section 5 or section 6, of the Citizenship Act, 1955 which deals with the acquisition of citizenship by registration and citizenship by naturalization respectively.
- iii. The act also intends to grant exemption to the migrants of the aforesaid communities to safeguard them from any proceeding against them with respect to their status of migration or citizenship which could act like a hinderance in getting Indian citizenship or bar them from applying for the Indian citizenship.
- iv. There are many persons who are Indian in origin, and belong to the aforesaid minority communities from Pakistan, Bangladesh and Afghanistan, are applying for Indian citizenship under section 5 of the Citizenship Act, 1955 but are not able to prove their Indian origin and due to this they have no another option except of applying for Indian citizenship by naturalization under section 6 of the Citizenship Act, 1955, according to which, *inter alia*, 12 years of residency is required as a qualification for the citizenship by naturalization as per the terms of the Third Schedule of the Act. This is why, the amendment of the Third Schedule of the Act is also proposed which reduces the

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<sup>16</sup> The Citizenship (Amendment) Act, 2019 (India)

requirement of 12 years of residency to 5 years as a qualification for citizenship by naturalization.

- v. Prior to the enactment of CAA 2019, there was no any particular provision provided under section 7D of the Act regarding recission of the registration of Overseas Citizen of India cardholder in the case where they infringe any provisions of the act or law for the time being in force. Also, the Overseas Citizen of India Cardholder had no opportunity to be heard before such recission of their registration. Therefore, amendment of section 7D of the Act is also proposed to empower the Central government to rescind the registration of the Overseas Citizen of India Cardholder who infringes any provision of the Act or any law for the time being in force as well as to make provisions to provide the opportunity of being heard to the Overseas Citizen of India Cardholder before recission of their registration.
- vi. It also aims to safeguard the guarantee which is given by the Constitution to the indigenous population of Northeastern states mentioned under the Sixth Schedule of the Constitution of India and also to safeguard the statutory protection which is given to the areas which are covered under the “Inner Line Permit” notified under the Bengal Eastern Frontier Regulation, 1873.

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### **Protest and Issues Related to it<sup>17</sup>**

The enactment of the Citizenship Amendment Act, 2019 upraised various issues, and consequence of the same was initiation of protest across the country. The protest that was taking place across India can be categorized in to two. First one; which took place in the area of northeast and second one; which took place in the rest of India. The people of northeast area were protesting against the implementation of the Citizenship Amendment Act, 2019. It is because that they were afraid of the thing that the implementation of the act in their area may alter their demographic and linguistic uniqueness due to the rush of immigrants. People in the rest of the India were protesting against the exclusion of Muslim and others and were alleging that it is against the very spirit of the

<sup>17</sup> Citizenship Amendment Act 2019: All you need to know, Livemint, (18<sup>th</sup> April, 2021 1:27 am) [https://www-livemint-com.cdn.ampproject.org/v/s/www.livemint.com/news/india/citizenship-amendment-act-2019-all-you-need-to-know/amp-11576401546515.html?amp\\_js\\_v=a2&amp\\_gsa=1&usqp=mq331AQCKAE%3D#aoh=15769183209327&referrer=https%3A%2F%2Fwww.google.com&amp\\_tf=From%20%251%24s&ampshare=https%3A%2F%2Fwww.livemint.com%2Fnews%2Findia%2Fcitizenship-amendment-act-2019-all-you-need-to-know-11576401546515.html](https://www-livemint-com.cdn.ampproject.org/v/s/www.livemint.com/news/india/citizenship-amendment-act-2019-all-you-need-to-know/amp-11576401546515.html?amp_js_v=a2&amp_gsa=1&usqp=mq331AQCKAE%3D#aoh=15769183209327&referrer=https%3A%2F%2Fwww.google.com&amp_tf=From%20%251%24s&ampshare=https%3A%2F%2Fwww.livemint.com%2Fnews%2Findia%2Fcitizenship-amendment-act-2019-all-you-need-to-know-11576401546515.html)

Constitution of India. Many of them were protesting due to NRC (National Register of Citizens). It is because, as per them, CAA, 2019 will implement NRC in the whole country and will deport Muslims immigrants. NRC was first implemented in the northeastern states of Assam but it acted as fuel to drive fear and panic for the nation.

### **National Register of Citizens (NRC)<sup>18</sup>**

National Register of Citizen (NRC) is an official register which maintains the record of citizens who are legally living in India. It includes demographic information of persons who are considered as Indian citizens as per the conditions or specification detailed in the Citizenship Act 1955.

### **CAA,2019 and NRC<sup>19</sup>**

With the enactment of the Citizenship Amendment Act 2019 (CAA, 2019), the sense of bewilderment spread among people which created a perception that CAA 2019 will lead to the implementation of NRC and both will deny the citizenship of certain Indian Muslims. The perception is gathered in the country due to the linkage of CAA 2019 with NRC. However, both CAA 2019 and NRC are two distinct term; CAA 2019 is an act whereas NRC is a proposal. CAA 2019 aims to make easy to get Indian citizenship for the religious minorities (non-Muslim) from India's three Muslim majority neighboring countries Afghanistan, Pakistan and Bangladesh, however, it doesn't take away the citizenship of Indian Muslims. Even NRC is not going to take away citizenship of any legal citizens of India, i.e., any person who is legally living in India, whether they are Muslims or non- Muslims. NRC is meant for only detecting illegal immigrants and deport them irrespective of their religion.

### **Government's views on CAA, 2019<sup>20</sup>**

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<sup>18</sup> What is NRC: All you need to know about National Register of Citizens, India Today, (18<sup>th</sup> April, 2021 at 1:29 am) <https://www.indiatoday.in/india/story/what-is-nrc-all-you-need-to-know-about-national-register-of-citizens-1629195-2019-12-18>

<sup>19</sup> Difference between CAA and NRC, TOI India, (18<sup>th</sup> April, 2021 at 1:30 am) <https://timesofindia.indiatimes.com/india/difference-between-caa-and-nrc/articleshow/73155822.cms>

<sup>20</sup> CAA: Home ministry tweets fresh clarification to allay fears, m-timesofindia-com, TOI, (18<sup>th</sup> April, 2021 at 1:33 am) [https://m-timesofindia-com.cdn.ampproject.org/v/s/m.timesofindia.com/india/citizenship-amendment-act-key-things-to-know/amp\\_articleshow/72873679.cms?amp\\_js\\_v=a2&amp\\_gsa=1&usqp=mq331AQCKAE%3D#aoh=15790257923150&referrer=https%3A%2F%2Fwww.google.com&amp\\_tf=From%20%251%24s&ampshare=https%3A%2F%2Fm.timesofindia.com%2Findia%2Fcitizenship-amendment-act-key-things-to-](https://m-timesofindia-com.cdn.ampproject.org/v/s/m.timesofindia.com/india/citizenship-amendment-act-key-things-to-know/amp_articleshow/72873679.cms?amp_js_v=a2&amp_gsa=1&usqp=mq331AQCKAE%3D#aoh=15790257923150&referrer=https%3A%2F%2Fwww.google.com&amp_tf=From%20%251%24s&ampshare=https%3A%2F%2Fm.timesofindia.com%2Findia%2Fcitizenship-amendment-act-key-things-to-)

As per the ministry of home affairs, Indian citizens are unaffected by CAA 2019 as it is not applicable on Indian Citizens. It has just made easier for the people belonging to six minority communities; Hindu, Sikh, Buddhist, Jain, Parsi and Christian from the three neighboring Muslim majority countries; Afghanistan, Pakistan and Bangladesh, to acquire Indian Citizenship by naturalization, due to religious persecution of these minority communities in these three countries. CAA 2019 has also not amended any existing provisions of Citizenship Act, 1955 which enable any foreigner to acquire Indian Citizenship by registration or naturalization and so, any foreigner can apply for Indian Citizenship by registration and naturalization irrespective of their country or community.

Further, CAA 2019 neither applies to the tribal areas of northeast which come under the Sixth Schedule of the Indian Constitution nor to the areas covered by Inner Line Permit. So, the interest of the tribals and the indigenous people of the aforesaid areas are unaffected by CAA 2019 and therefore, it is not going to alter and harm their interest.

Moreover, the ministry of home affairs also clarifies that CAA 2019 is not going to deport any foreigner from India as the deportation of foreigners, irrespective of their religion or country, is governed by the Foreigners Act, 1946 or the Passport (Entry into India) Act, 1920 which deals with the entry, stay movement and departure of foreigners in India.

### **Conclusion**

The Citizenship Amendment Act 2019 (CAA 2019) is not based on religion rather it is based on persecution. It intends to make easier for the people of six minorities communities, Hindu, Sikh, Jain, Buddhist, Parsi, and Christian on the basis of persecution from the three Muslim majority countries, Afghanistan, Pakistan, and Bangladesh, to get citizenship of India. Neither it is applicable to the citizens of India nor the implementation of The Citizenship Amendment Act 2019 means that it will curtail the rights of Muslims in India and deport them. So Indian citizens are unaffected by it irrespective of their religion. The other immigrants can also apply for the citizenship of India by registration or naturalization irrespective of their religion and country as CAA, 2019 has not amended any existing provisions given in the Act which enables any foreigners

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to apply for Indian Citizenship by registration or naturalization. The northeast areas which come under the Sixth Schedule and the areas which is covered by the Inner Line Permit are exempted from the applicability of CAA 2019 and so, there is nothing to fear about alteration of the linguistic and demographic uniqueness of these tribal areas. In many parts of India people were indulged in protest against CAA, 2019, but the protest was primarily fueled by the fear that CAA, 2019 will abridge the rights of Muslims. There was a perception that CAA,2019 will implement NRC in the whole country and will curtail or take away the rights of Muslim communities and deport them. But both CAA 2019 and NRC are different things. CAA 2019 grants citizenship to the six non-Muslim minority communities on the basis of religious persecution from the aforesaid Muslim majority countries, while NRC detects illegal immigrants and infiltrators, and deport them irrespective of their religion. If NRC is going to be implemented in the whole country, then also there is no harm to the people who are living in India legally that is with all the documents which are required. All citizens have to give proof of their legal documents, whether they are Muslims or non-Muslims. So, there is nothing to link CAA, 2019 with NRC and it is not going to affect any Indian citizen irrespective of their religion.



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## References:

- The Editors of Encyclopedia Britannica, Citizenship, Britannica, (18<sup>th</sup> April, 2021 at 1:03 am) <https://www.britannica.com/topic/citizenship>
- Abhinav Chandrachud, The Origin of Indian Citizenship, Bloomberg Quint (18<sup>th</sup> April, 2021 at 1:04 am) <https://www.bloombergquint.com/opinion/citizenship-amendment-act-the-unsecular-origins-of-indian-citizenship-by-abhinav-chandrachud>
- Indian Constitution articles 5-11
- The Citizenship Act, 1955 (India)
- The Citizenship (Amendment) Act, 1985 (India)
- The Citizenship (Amendment) Act, 1986 (India)
- The Citizenship (Amendment) Act, 1992 (India)
- The Citizenship (Amendment) Act, 2003 (India)
- The Citizenship (Amendment) Act, 2005 (India)
- The Citizenship (Amendment) Act, 2015 (India)
- The Citizenship (Amendment) Act, 2019 (India)
- Tania Midha, Citizenship Act: Govt changes criteria qualifying a person as a citizen, India Today (18<sup>th</sup> April, 2021 at 1:08 am) <https://www.indiatoday.in/magazine/indiascope/story/19861215-citizenship-act-govt-changes-criteria-qualifying-a-person-as-a-citizen-of-india-801552-1986-12-15>
- Ran Chakrabarti and Sonu Varghese, Amendments to The Citizenship Act, 1955 and The Concept of the Overseas Citizens of India Cardholder, Mondaq (18<sup>th</sup> April, 2021 at 1:17 am) <http://www.mondaq.com/india/x/459548/general+immigration/Amendments+to+the+Citizenship+Act+1955+and+the+concept+of+the+Overseas+Citizens+of+India>
- Shaswati Das, amid unrest, CAA comes into effect, Livemint, (18<sup>th</sup> April, 2021 at 1:20 am) <https://www.livemint.com/news/india/amid-unrest-caa-comes-into-effect/amp-11578757983569.html>
- Arabhi Anandan, explained: What is Inner Line Permit, Live Law (18<sup>th</sup> April, 2021 at 1:22 am) <https://www.livelaw.in/know-the-law/what-is-ilp-151145>

- Mahendra P Lama, Sixth Schedule: Lawyers of Autonomy, The Statesman, (18<sup>th</sup> April, 2021 at 1:23 am) <https://www.thestatesman.com/northeast/sixth-schedule-layers-of-autonomy-1502752499.html>
- The Citizenship (Amendment) Act, 2019, The Hindu Centre, (18<sup>th</sup> April, 2021 at 1:25 am) <https://www.thehinducentre.com/resources/article30327343.ece>
- Citizenship Amendment Act 2019: All you need to know, Livemint, (18<sup>th</sup> April, 2021 1:27 am) [https://www-livemint-com.cdn.ampproject.org/v/s/www.livemint.com/news/india/citizenship-amendment-act-2019-all-you-need-to-know/amp-11576401546515.html?amp\\_js\\_v=a2&amp\\_gsa=1&usqp=mq331AQCKAE%3D#aoh=15769183209327&referrer=https%3A%2F%2Fwww.google.com&amp\\_tf=From%20%251%24s&ampshare=https%3A%2F%2Fwww.livemint.com%2Fnews%2Findia%2Fcitizenship-amendment-act-2019-all-you-need-to-know-11576401546515.html](https://www-livemint-com.cdn.ampproject.org/v/s/www.livemint.com/news/india/citizenship-amendment-act-2019-all-you-need-to-know/amp-11576401546515.html?amp_js_v=a2&amp_gsa=1&usqp=mq331AQCKAE%3D#aoh=15769183209327&referrer=https%3A%2F%2Fwww.google.com&amp_tf=From%20%251%24s&ampshare=https%3A%2F%2Fwww.livemint.com%2Fnews%2Findia%2Fcitizenship-amendment-act-2019-all-you-need-to-know-11576401546515.html)
- What is NRC: All you need to know about National Register of Citizens, India Today, (18<sup>th</sup> April, 2021 at 1:29 am) <https://www.indiatoday.in/india/story/what-is-nrc-all-you-need-to-know-about-national-register-of-citizens-1629195-2019-12-18>
- Difference between CAA and NRC, TOI India, (18<sup>th</sup> April, 2021 at 1:30 am) <https://timesofindia.indiatimes.com/india/difference-between-caa-and-nrc/articleshow/73155822.cms>
- CAA: Home ministry tweets fresh clarification to allay fears, TOI, (18<sup>th</sup> April, 2021 at 1:33 am) [https://m-timesofindia-com.cdn.ampproject.org/v/s/m.timesofindia.com/india/citizenship-amendment-act-key-things-to-know/amp\\_articleshow/72873679.cms?amp\\_js\\_v=a2&amp\\_gsa=1&usqp=mq331AQCKAE%3D#aoh=15790257923150&referrer=https%3A%2F%2Fwww.google.com&amp\\_tf=From%20%251%24s&ampshare=https%3A%2F%2Fm.timesofindia.com%2Findia%2Fcitizenship-amendment-act-key-things-to-know%2Famp\\_articleshow%2F72873679.cms%23aoh%3D15790257923150%26referrer%3Dhttps%253A%252F%252Fwww.google.com%26amp\\_tf%3DFrom%2520%25251%2524s](https://m-timesofindia-com.cdn.ampproject.org/v/s/m.timesofindia.com/india/citizenship-amendment-act-key-things-to-know/amp_articleshow/72873679.cms?amp_js_v=a2&amp_gsa=1&usqp=mq331AQCKAE%3D#aoh=15790257923150&referrer=https%3A%2F%2Fwww.google.com&amp_tf=From%20%251%24s&ampshare=https%3A%2F%2Fm.timesofindia.com%2Findia%2Fcitizenship-amendment-act-key-things-to-know%2Famp_articleshow%2F72873679.cms%23aoh%3D15790257923150%26referrer%3Dhttps%253A%252F%252Fwww.google.com%26amp_tf%3DFrom%2520%25251%2524s)

- Hemant Singh, Citizenship Act of 1955: Provisions and Amendments, Jagranjosh, (20<sup>th</sup> April, 2021 at 9:34 pm), <https://www.jagranjosh.com/general-knowledge/citizenship-1434782934-1>
- Shruti Jain, Explained: The Nuts and Bolts of Indian Citizenship, The Wire, (20<sup>th</sup> April, 2021 at 9:24) <https://thewire.in/rights/india-citizenship-constitution>
- Advocatespedia, ASSN: 127153, Advocatespedia, (20<sup>th</sup> April, 2021 at 11:15 pm), [https://advocatespedia.com/index.php?title=THE\\_CITIZENSHIP](https://advocatespedia.com/index.php?title=THE_CITIZENSHIP)

