BLOGS

Citizenship Amendment Act (CAA): Issues, Criticisms and Latest Updates

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What is CAA?

The Citizenship Amendment Bill(CAB) was passed in India on December 12, 2019, intending to amend the Citizenship Act of 1955 but was put on hold amidst massive protests. The CAB amended the years-old Indian Citizenship law, which prohibits illegal migrants from becoming Indian citizens. This legislation aims to provide a pathway to citizenship for religious minorities facing persecution in Pakistan, Bangladesh, and Afghanistan, who entered India before December 31, 2014. The primary religious groups included in this amendment are Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians.

Key Provisions of the CAA

- The CAA applies to individuals from the specified religious groups who migrated from Pakistan, Bangladesh, or Afghanistan, owing to religious persecution or fear of persecution.
- These individuals must have entered India before December 31, 2014, to be eligible for citizenship under the CAA.
- The act provides expedited citizenship for eligible individuals by reducing the residency requirement from 11 years to 5 years.
- The CAA does not address or alter the process of naturalization for other groups or individuals not covered by its provisions.

Criticism of CAA

- The main objection to the law is that it singles out Muslims for exclusion, thereby discriminating against them due to their religious affiliation.
- The rules set by the CAA might “legitimize illegal migrants” negatively affecting indigenous culture and breaching constitutional principles. The All Assam Students’ Union (AASU) and other protest groups are concerned about a decline in the indigenous Assamese population due to the CAA granting citizenship to Hindu-Bengali migrants from neighboring state of Bangladesh.
- Many groups have also argued that the CAA, in conjunction with the proposed National Register of Citizens (NRC), could result in the revocation of citizenship for Muslims without proper documentation in border states.

Issues with the Citizenship Amendment Act

The amendment faced a legal challenge in the Supreme Court in 2020, initiated by the Indian Union Muslim League (IUML). Since then, over 200 additional petitions have been filed, all linked to the IUML’s challenge. Among the petitioners are politicians Asaduddin Owaisi, Jairam Ramesh, Ramesh Chennithala, and Mahua Moitra, along with political organizations like the Assam Pradesh Congress Committee, Asom Gana Parishad (AGP), National People’s Party (Assam), Muslim Students’ Federation (Assam), and Dravida Munnetra Kazhagam (DMK).

The challenge to the CAA is based on the claim that it infringes Article 14 of the Indian Constitution, which states that “the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.” Petitioners argue that filtering people by religion contravenes the fundamental right to equality.

The SC can strike down a classification if it is found to be arbitrary; however, the Supreme Court has ruled that to meet the test of equality when challenged under Article 14, a law must pass through two specific tests. Firstly, any distinction made between groups of people must be based on an ‘intelligible differentia,’ and secondly, this ‘differentia’ must have a logical connection to the purpose the Act is designed to achieve.

Union Home Minister Amit Shah has indicated that Muslims were excluded from the list of eligible groups under the Citizenship Amendment Act because Pakistan, Afghanistan, and Bangladesh are Islamic nations where Muslims are the dominant religious group. “All three countries from which religious minorities are allowed to come to India are Islamic. Can Muslims be victims of religious

persecution in such countries?" he pointed out.

The Home Ministry has also clarified that the CAA does not override current naturalization processes, so Muslims from any other country are still able to apply for Indian citizenship through the standard procedures.

Latest Updates on the Citizenship Amendment Act

Union Home Minister and Bharatiya Janata Party (BJP) leader Amit Shah, in an exclusive interview with Network18's Group Editor-in-Chief Rahul Joshi, stated that the Citizenship Amendment Act (CAA) will not be repealed, and the process of granting citizenship under this law will begin this month.