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## Challenges Before the Citizenship Related Laws in India

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### ABSTRACT

India is in all likelihood the handiest country which has covered in its charter the concept of citizenship beneath Part II (from Article five to 11).<sup>1</sup> The distinguished purpose in the once more of placing citizenship into the charter modified into triumph over the problems of partition after the independence of India. Under Article 11 of the charter the Parliament exercised its power and brought an invoice in both houses. Finally, it had been given assent through the President of India on 12th December, 2019. Hence, this modification come to be applicable at the precept Act i.e. The Citizenship Act, 1955.

### 1 INTRODUCTION

#### A CITIZEN OF INDIA

Constitution of India is the primary legal tool that lays down who's deemed to be a citizen of India. Article 5 of the Constitution of India, titled as 'Citizenship at the Commencement of Constitution of India', provides that the form of individual, who changed into or each of whose mother and father turn out to be, born within the territory of India, or who has been often resident in India for at least 5 years earlier than the commencement of the Constitution, will be deemed to be a citizen of India, if he had home in territory of India at such commencement. The Article is but silent at the definition of 'abode' and has left the problem for Courts to interpret. By energy underneath Article eleven of the Constitution of India to make criminal guidelines for acquisition and termination of citizenship, the Citizenship Act grow to be enacted in the 365 days 1955. This Act, together with the Constitution, bureaucracy the epicenter for query of obtaining citizenship in India.

Soon after its passage from the Indian Parliament, the Citizenship Amendment Act, 2019 has obtained hundreds criticism. The country has witnessed and is still witnessing a brilliant protest from nearly all sects of the society. The law seems to consist of brazenly discriminatory provisions which prima facie discriminates migrants on the basis in their faith, however moreover on the rating in their u. S. A. Of basis, date in their get entry to into India and their area of house in India. Numerous petitions have already been filed impugning statutory validity of the Citizenship Amendment Act 2019 (the Act) in advance than the Hon'ble Supreme Court of India, wherein the problem remains beneath attention. However, amid the chaotic situation, one trouble it's in reality crystal is that, the Citizenship Amendment Act, 2019 is not for putting off citizenship of any person. The regulation intends to offer citizenship to religiously persecuted immigrating humans from Hindu, Sikh, Buddhist, Jain, Parsi and Christians organizations from Afghanistan, Bangladesh and Pakistan. As a rely of truth, this law isn't applicable to at the least once.33 billion people of India, as an alternative, is simplest relevant to the above said splendor of religiously persecuted immigrating men and women intending to cozy Indian citizenship.<sup>1</sup>

### 2 LAWS REGULATING CITIZENSHIP IN INDIA:

Citizenship in India is regulated by way of the Citizenship Act, 1955. The Act stipulates that citizenship in India may be obtained through 5 strategies –

<sup>1</sup> G.S.R. 685 (E) and G.S.R. 686 (E), Gazette of India, September 7, 2015, <http://egazette.Nic.In/WriteReadData/2015/165755>.

with the useful resource of delivery, through descent, with the resource of registration, thru naturalization, and via the usage of territorial incorporation. The acquisition of Indian citizenship isn't permitted to an unlawful migrant. Any man or woman who enters India illegally, i.e. Without any valid journey documents which include a visa or a passport, or lawfully enters India, but remains beyond the time frame laid out in its journey files is an „illegal immigrant“.

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### 3 CONSTITUTIONAL PROVISIONS RELATING TO CITIZENSHIP:

Article 5 of the Indian Constitution stipulates that the graduation of this Constitution each person who has his residing residence inside the territory of India and (a) who have become born in the territory of India; or (b) either of whose parents became born in the territory of India; or (c) who has been within the fundamental resident in the territory of India for now not loads less than 5 years previous such graduation, can be a citizen of India”.

Article 6 of the Indian Constitution gives with the rights of citizenship of superb human beings who have migrated to India from Pakistan and it states that, “however something in Article five, a person who has migrated to the territory of India from the territory now covered in Pakistan may be deemed to be a citizen of India on the commencement of this Constitution if (a) he or every of his mother and father or any of his grandparents changed into born in India as described within the Government of India Act, 1935 (as inside the starting enacted); and (b) (a) in the case wherein such person has so migrated in advance than the 19th day of July, 1948 , he has been inside the principal resident within the territory of India for the cause that date of his migration, or (ii) inside the case where such character has so migrated on or after the 19th day of July, 1948

, he has been registered as a citizen of India with the useful resource of an officer appointed in that behalf thru the Government of the Dominion of India on an software program made by the use of manner of him therefore to such officer earlier than the graduation of this Constitution in the form and way prescribed by means of the usage of that Government: Provided that no individual shall be so registered till he has been resident within the territory of India or at the least six months right away previous the date of his software program application<sup>2</sup>”.

Article 7 of the Indian Constitution similarly gives with the rights of citizenship of high-quality migrants to Pakistan, which contemplates that, “however something in Articles 5 and six, a person who has after the primary day of March, 1947 , migrated from the territory of India to the territory now covered in Pakistan shall not be deemed to be a citizen of India: Provided that no longer something in this article shall comply with to someone who, after having so migrated to the territory now blanketed in Pakistan, has decrease lower back to the territory of India below a permit for resettlement or everlasting go back issued with the aid of or underneath the authority of any regulation and each such person shall for the functions of clause (b) of Article 6 be deemed to have migrated to the territory of India after the nineteenth day of July, 1948”.

Article 10 of the Indian Constitution offers with the continuance of the rights of citizenship, and reads as, “anyone who's or is deemed to be a citizen of India below any of the foregoing provisions of this Part shall, concern to the provisions of any law that may be made through Parliament, live such citizen”.

Article eleven of the Indian Constitution empowers the Union government to legislate upon the mission of citizenship, and gives that, “not anything inside the foregoing provisions of this Part shall derogate from the power of Parliament to make any provision with apprehend to the purchase and termination of citizenship and all exclusive subjects relating to citizenship”.

The constitutional basis of Indian Citizenship, therefore does no longer create any class based totally on religion, it does no longer discriminate among people professing exceptional religions and is primarily based mostly on the requirements of secularism.

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### 4 PROSECUTION AND DEPORTATION OF UNLAWFUL MIGRANTS:

The Indian felony pointers provide for the prosecution and deportation of illegal migrants, and empower the Union authorities to govern foreigners

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<sup>2</sup> Ibid.

getting into, leaving and residing in India. The Foreigners Act, 1946 and the Passport (Entry into India) Act, 1920 authorize illegal migrants to be imprisoned or deported.<sup>3</sup>

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#### **5 EXEMPTION TO POSITIVE ELEGANCE OF ILLEGAL MIGRANTS:**

In 2015 and 2016, the Narendra Modi led Union government issued notifications which went beyond the provisions of the 1946 and the 1920 Act and exempted a few classes of illegally immigrating humans from Hindu, Sikh, Buddhist, Jain, Parsi and Christians communities from Afghanistan, Bangladesh and Pakistan, who arrived in India on or before 31 December of 2014.

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#### **6 AMENDMENTS IN THE CITIZENSHIP ACT OF 1955:**

An idea for amending the Citizenship Act, 1955 become introduced in 2016 vide the "Citizenship

(Amendment) Bill, 2016" with the goal of making the unlawful migrants from those six sects and 3 nations eligible for citizenship in India. However, the Citizenship (Amendment) Bill, 2016 have turn out to be exceeded through way of the Lok Sabha on January 8, 2019, however it lapsed with the dissolution of the sixteenth Lok Sabha.

Finally, the Citizenship (Amendment) Bill, 2019 became introduced in the decrease house of the Indian Parliament on December nine, 2019, that have emerged as in the long run surpassed with giant majority at the very same day. The Bill of 2019 became passed with the useful resource of using the Rajya Sabha on December eleven, 2019.

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#### **7 EFFECT OF ACQUIRING CITIZENSHIP:**

An awful lot predicted Citizenship Amendment Bill, 2019, which now has taken the force of law, specifies that above stipulated elegance of illegal migrants from the three worldwide places, Pakistan, Afghanistan and Bangladesh, will now not be dealt with as unlawful migrants, thereby making them eligible for citizenship of India. These illegal migrants upon acquiring citizenship can be considered as Indian citizens from the date they entered into India and all criminal court docket instances qua their reputation as unlawful migrants or their citizenship shall stand abated.

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#### **8 SPECIAL PROVISIONS FOR TRIBAL REGIONS:**

Section three of the Citizenship Amendment Act, 2019 which fits Clause (4) of Section 6B of the Citizenship Act, 1955 offers with the precise provisions regarding the tribal region of Assam, Meghalaya, Mizoram or Tripura as protected within the Sixth Schedule to the Constitution of India and the vicinity included beneath "The Inner Line" notified underneath the Bengal Eastern Frontier Regulation, 1873.<sup>44</sup>

This newly inserted provision restricts the applicability of the provisions on citizenship for illegal migrants to the tribal region of Assam, Meghalaya, Mizoram or Tripura. Furthermore, those provisions ought to no longer amplify to the regions under the "internal line" as notified under the Bengal Eastern Frontier Regulation, 1873, which in favored governs visits to Arunachal Pradesh, Mizoram and Nagaland through Indians.

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#### **9 CITIZENSHIP AMENDMENT ACT, 2019: DOCTRINE OF EQUALITY AND REASONABLE CLASSIFICATION:**

As discussed earlier, the change makes it crystal that the illegal migrants who fulfill below mentioned conditions will not be handled as illegal migrants.

The conditions are:

- a) they need to belong to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community;
- b) they ought to be from Afghanistan, Bangladesh or Pakistan;
- c) they want to have entered into India on or earlier than the 31st day of December, 2014.

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<sup>3</sup> Report of the Joint Committee at the Citizenship (Amendment) Bill, 2016, Joint Parliamentary Committee, Lok Sabha, January 7, 2019,

<sup>4</sup> "Myanmar Rohingya: What you need to recognize about the disaster", BBC News, April 24, 2018, <https://www.Bbc.Com/news/worldwide-asia-41566561>.

Rohingya: What you need to recognize about the disaster”, BBC News, April 24, 2018, <https://www.Bbc.Com/news/worldwide-asia-41566561>.

- a) they need to belong to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community;
- b) they ought to be from Afghanistan, Bangladesh or Pakistan;
- c) they want to have entered into India on or earlier than the 31st day of December, 2014.

Furthermore, those amended provisions are not applicable to the tribal area of Assam, Meghalaya, Mizoram or Tripura and to the regions underneath the “inner line” as notified below the Bengal Eastern

Frontier Regulation, 1873. Clearly, the new law governing citizenship of unlawful migrants in India presents for differential treatment on the basis of:

- a) country of origin;
- b) religion;
- c) date of entry into India;

place of residence in India and consequently, the plain query that might get up right here is concerning the violation of Article 14 of the Indian Constitution, which ensures „equality earlier than the law” or „equal safety of the criminal pointers in the territory of India” to in reality anybody. Interestingly, the framers of the sovereign file decided on to guarantee the right of equality to all people and no longer sincerely to Indian residents. Therefore, any enactment which gives the govt. An unfettered electricity to pick out times for unique remedy, without specifying the coverage, may be set aside as unstable of the proper to equality. Under Article 14, the equality clause is of exquisite importance, as it guarantees equal remedy (equality in advance than the regulation) or the same protection of the prison pointers inside the territory of India. Nevertheless, like every different constitutional right, even the right to equality isn't always absolute as the State has the strength to impose policies, treating any individual or company of character as a separate and top-notch beauty. Howsoever, such class want to qualify the take a look at of reasonableness, that is to say, it has to be a less expensive type, based totally mostly on intelligible differentia having nexus with the object sought to be finished<sup>5</sup>.

Therefore, Article 14 permits kind, however same want to be a less expensive type, free from all forms of arbitrariness. The class want to in the long run have a cause and truly item to attain.

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#### **10 Exclusion of unlawful migrants from religious minorities other than the ones exact:**

When examined upon the parameters of the affordable type idea, there may be no lucid indication why the Bill of 2019 entails illegal migrants from super six indexed spiritual minorities. In addition, the Bill moreover fails to offer a cause for the motives why 'Ahmadiyya Muslims' in Pakistan who are taken into consideration in Pakistan as non-Muslims, were excluded. Very pertinently, it may be concluded that the Bill is also silent as to why unlawful migrants from nice six sure religious minorities have been included.

If the nexus between the concept of kind and the item speculated to be is fleeing religion persecution, then all types of people can be fleeing spiritual persecution. It can't mean that best humans schooling advantageous fantastic non secular faiths can be religiously persecuted and not others. The proper to use for Indian citizenship as given to religiously persecuted Hindu, Buddhist, Sikh, Parsi or Christian have to moreover were given to an Ahmadiyya or Shia Muslim, who flees religious persecution from Pakistan and Afghanistan. Reasonable type ought to be in the context of the cause of the law or the class, which simply is absent within the gift case.

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#### **11 BEFORE CITIZENSHIP IN INDIA UNDER CITIZENSHIP ACT 1955**

Before 1985, for the duration of India citizenship emerge as with the resource of beginning and so even though illegal migrants who have entered India

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<sup>5</sup> For instance, see <https://www.Theguardian.Com/global/2016/jun/eleven/bangladesh-murders-bloggers-foreigners- faith>.

after 25. Three.1971 provide starting to an infant in India earlier than 7.12.1985 such little one might be dealt with as citizen of India.

The conferment of someone as a citizen of India is dominated with the useful resource of the Part II of the Constitution of India (Articles five to 11). According to Article 5, all the dad and mom who have been resident in India at the graduation of the Constitution were residents of India as well as people born in India. The President of India is named the First Citizen of India.

The Indian regulation associated with this take into account is The Citizenship Act, 1955, which has been amended through way of the Citizenship (Amendment) Acts of 1986, 1992, 2003, 2005, 2015 and 2019. The 1986 change restrained citizenship with the useful resource of begin to require that at the least one parent had to be an Indian citizen. The 2003 amendment further restrained that issue through requiring that a determine could not be an illegal immigrant. The 2003 change moreover mandated the Government of India to collect a National Register of Citizens. The 2019 amendment provided a much less tough direction to citizenship for minorities persecuted on the idea of faith, i.e., Hindus, Sikhs, Buddhists, Jains, Parsi and Christians from the neighboring Muslim-majority worldwide places of Bangladesh, Pakistan, and Afghanistan who entered India earlier than December 2014. These measures have given upward thrust to large-scale protests in India in 2019.<sup>6</sup>

Article nine of Indian Constitution says that someone who voluntarily acquires citizenship of every other country is no longer an Indian citizen. Also, regular with The Passports Act, a person has to surrender his/her Indian passport and voter card, and unique Indian ID playing gambling playing cards should no longer be used after some other state. Of the society citizenship is received. It is a punishable offence if the man or woman fails to give up the passport.

The modern Indian nationality law in large issue follows the jus sanguinis (citizenship through descent) in preference to the jus soli (citizenship via proper of transport in the territory)

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## 12 CITIZENSHIP IN INDIA BENEATH CITIZENSHIP ACT 1955

Before coming to the present arguable citizenship amendment act of 2019 first we ought to understand the provisions of Citizenship Act 1955 that have been earlier than Amendment of 2019 and what amendments are finished with the resource of the Act of 2019. Citizenship Act is a very small Act comprising of best 19 provisions. Section 2 of this Act is definition clause in subsection (a) the authorities of India are described as major further to state authorities. In subsection (b) of section 2 an 'illegal migrant' is defined, which may be very vital to apprehend within the surroundings of gift controversy. By this subsection best classes of individuals were held unlawful migrants first any foreigner who enters into India without a valid passport or each one-of-a-kind excursion document and second who entered into India with legitimate passport or some other adventure file however he remains in India past the authorized term.

According to Citizenship Act, the citizenship of India may be provided in following 4 manners i.e., Citizenship by way of beginning, Citizenship with the useful resource of descent, citizenship with the aid of registration and citizenship thru naturalization.

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## 13 AFTER CITIZENSHIP (AMENDMENT) ACT, 2019 (CAA)<sup>7</sup>

### Amendment of Section 22

As steady with the exchange beneath Section 2, a proviso changed into introduced in which the citizenship changed into granted on communal lines. It says that:

- Hindu,

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<sup>6</sup> Report of the Sub-Committee on North East Frontier (Assam) Tribal and Excluded Areas (Chairperson: Gopinath Bardoloi), July 28, 1947; Constituent Assembly of India Debates, Volume IX, 5th, sixth and 7th September, 1949.

<sup>7</sup> Newly inserted Clause (3) of Section 6B of the Citizenship Act, 1955, Inserted vide Section 3 of the Citizenship Amendment Act, 2019

- Jain,
- Parsi,
- Buddhist,
- Sikh,
- Christians.

The people of above noted groups have entered into India from the following neighboring countries:

- Pakistan,
- Bangladesh,
- Afghanistan.

Before thirty first December, 2014 may be given the Indian citizenship.

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#### 14 CONSTITUTIONAL VALIDITY

This alternate is unconstitutional on the concept of the following grounds:

- Against Secularism

The preamble of the charter says that India is a Secular Nation. The word 'secularism' technique that there is no nation faith, the kingdom does not sell or demote any organization on the traces of faith. However, on this transformation the granting and non-granting of citizenship is primarily based on faith, this is honestly obvious from the absence of Muslims in the proviso underneath Section 2 of the Amended Act<sup>8, 8</sup>

- Against the notion of Equality

Part III (Article 12 to 35) offers the crucial rights and Article 14 and 15 as it talks approximately Equality Before the Law and prohibition of discrimination respectively. However, this Amendment Act is a give up end result of the infringement of Article 14 and 153 in which the authorities discriminated at the concept of religion thereby violating equality amongst Indians.

- Lack religious tolerance

India is considered to be one of the non-secular tolerant countries of this worldwide. It is the excellent example of 'concord in variety'. However, this law seems as even though the regulation has become enacted maintaining in thoughts the politics on religious traces and enact discriminatory rules a great way to promote extremist ideology.

#### **Impact on Assamese**

People in Assam are at mass protest and public demonstrations. They declare that this Citizenship (Amendment) Act, 2019 has violated the norms of Assam Accor. As consistent with Clause 5(3) of Assam Accord, the date of deportation and detection of immigrants/ foreigners have become after 24th March, 1971. 4However, now this variation has new reduce-off date i.e., Thirty first December, 2014, that's a difficulty of protest. Thus, the trade in reduce-off date and violation of Assam Accord is the concept of the protest.

Moreover, the Assamese are of the aspect of view that granting of citizenship to the Bangladeshi Hindus will no longer fine adversely have an impact on their linguistic and ethnic manner of lifestyles but additionally increase in the hassle of unemployment inside the country of Assam.

#### **Amendment in the III Schedule of the Principal Act**

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<sup>8</sup> John Vallamattan v. Union of India MANU/SC/0480/2003, E.P. Royappa vs. State of Tamil Nadu and OR's. MANU/SC/0380/1973, D.S. Nakara and OR's. vs. Union of India (UOI) MANU/SC/0237/1982, Ram Krishna Dalmia vs. Justice S.R. Tendolkar and OR's. MANU/SC/0024/1958

In the 0.33 schedule of the Citizenship Act, 1955, in clause (d) the mixture period of residence and provider of government faced changes wherein the phrase “not tons less than 11 years” modified into changed with “now not much less than 5 years”. This modification is applicable on Hindu, Parsi, Sikh, Buddhist, Jains and Christians.

### **Constitutional Validity**

This exchange is unconstitutional as it is an easy infringement of Article sixteen which promotes equality inside the don't forget amount of public employment.

However, below this Amendment Hindu, Parsi, Sikh, Buddhists, Jains and Christians are probably eligible for organization in authorities and residence after 5 years. But a Muslim has to anticipate eleven years to get house and service in government. Thus, this change isn't always uniformly relevant in complete of India.

### **Impact on Assamese**

This trade within the time period from eleven years to five years for the non-Muslims for the reason of house and services in government will reduce again the unique populace of Assamese and can convert that populace into minority thereby making the prevent of their subculture. Not fine this, the Assamese has to stand humongous competition within the front of them primary to upward push in unemployment ultimately principal to the rise in poverty. Therefore, this variation brings a modern disturbing situation in each sphere which includes;

- Social (in phrases of society, distribution of belongings, and so on.);
- Political (in terms of contesting elections, voting rights and majority ideologies);
- Administrative; (in phrases of rulemaking and guidelines regulating and governance);
- Ethnic and way of life (in phrases of language, rituals, norms, history and plenty of others.);
- Economic areas (same distribution of belongings, employment, eradication of poverty and so forth.)

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## **15 ISSUES FOR CONSIDERATION:**

### **THE CITIZENSHIP (AMENDMENT) BILL, 2019**

The Citizenship Act, 1955 regulates who also can acquire Indian citizenship and on what grounds. An individual may also additionally end up an Indian citizen if they'll be born in India or have Indian parentage or have resided inside the u. S. A. For a time, body, and so on. However, illegal migrants are prohibited from acquiring Indian citizenship. An illegal migrant is a foreigner who: (a) enters the united states of America without legitimate excursion documents, like a passport and visa, or (ii) enters with legitimate documents, but remains past the legal term.<sup>1</sup>

Illegal migrants may be imprisoned or deported beneath the Foreigners Act, 1946 and the Passport (Entry into India) Act, 1920. The 1946 and the 1920 Acts empower the sizeable government to adjust the access, exit and house of foreigners within India. In 2015 and 2016, the massive authorities issued notifications exempting exceptional organizations of unlawful migrants from provisions of the 1946 and the 1920 Acts.<sup>2</sup> These groups are Hindus, Sikhs, Buddhists, Jains, Parsi and Christians from Afghanistan, Bangladesh and Pakistan, who arrived in India on or earlier than December 31, 2014.<sup>2</sup> This means that the ones corporations of unlawful migrants will not be deported or imprisoned for being in India without valid files.

In 2016, a Bill have grown to be delivered to amend the Citizenship Act, 1955. Three the Bill sought to make unlawful migrants belonging to those six religions and three international locations eligible for citizenship and made a few modifications within the provisions on registration of Overseas Citizens of India (OCI) cardholders. It modified into stated a Joint Parliamentary Committee, which submitted its record on January 7, 2019. Four the Bill have turn out to be surpassed with the aid of way of manner of Lok Sabha on January 8, 2019. Five However, it lapsed with the dissolution of the sixteenth

Lok Sabha. Subsequently, the Citizenship (Amendment) Bill, 2019 is being introduced in Lok Sabha in December 2019.

The 2019 Bill seeks to make unlawful migrants who are Hindus, Sikhs, Buddhists, Jains, Parsi and Christians from Afghanistan, Bangladesh and Pakistan, eligible for citizenship. It exempts first-rate regions within the North-East from this provision. The Bill furthermore makes amendments to provisions related to OCI cardholders. A foreigner can also check in as an OCI under the 1955 Act if they may be of Indian basis (e.g., former citizen of India or their descendants) or the associate of someone of Indian starting vicinity. This will entitle them to benefits which embody the right to adventure to India, and to work and have a look at inside the united states of America. The Bill amends the Act to permit cancellation of OCI registration if the individual has violated any regulation notified thru the critical authorities<sup>9</sup>.

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### Whether differentiating on grounds of religion is a violation of Article 14

The Bill offers that unlawful migrants who fulfil four conditions will now not be treated as illegal migrants under the Act. The conditions are: (a) they're Hindus, Sikhs, Buddhists, Jains, Parsi or Christians; (b) they're from Afghanistan, Bangladesh or Pakistan; (c) they entered India on or before December 31, 2014; (d) they're no longer in sure tribal regions of Assam, Meghalaya, Mizoram, or Tripura covered within the Sixth Schedule to the Constitution, or areas underneath the "Inner Line" permit, i.e., Arunachal Pradesh, Mizoram, and Nagaland.

Article 14 ensures equality to each person, which includes residents and foreigners. It handiest allows prison hints to differentiate amongst businesses of people if the cause for doing so serves a cheaper cause.<sup>6</sup> The question is whether or not or no longer this provision violates the right to equality beneath Article 14 of the Constitution because it gives differential remedy to unlawful migrants on the premise of (a) country of origin (b) religion, (c) date of get admission to into India, and (d) area of residence in India. We have a have a look at below whether or not or no longer those differentiating factors ought to serve a much less luxurious cause.

First, the Bill classifies migrants based mostly on their state of starting to embody most effective Afghanistan, Pakistan and Bangladesh. The Statement of Objects and Reasons within the Bill (SoR) states that India has had historical migration of humans with Afghanistan, Pakistan and Bangladesh, and those worldwide locations have a state religion, which has ended in spiritual persecution of minority agencies. While the SoR motives that tens of tens of millions of residents of undivided India were living in Pakistan and Bangladesh, no purpose has been provided to offer a reason behind the inclusion of Afghanistan.

Further, it isn't smooth why migrants from the ones global places are differentiated from migrants from distinct neighboring worldwide locations including Sri Lanka (Buddhist country religion)<sup>7</sup> and Myanmar (primacy to Buddhism) eight. Sri Lanka has had a statistic of persecution of a linguistic minority within the U. S. A., the Tamil Eelam. Nine Similarly, India stocks a border with Myanmar, which has had a record of persecution of a non-secular minority, the Rohingya Muslims. <sup>10</sup> Over the years, there have been reports of each Tamil Eelam and Rohingya Muslims fleeing persecution from their respective worldwide places and searching for secure haven in India. Eleven Given that the intention of the Bill is to provide citizenship to migrants escaping from non-secular persecution, it isn't clear why illegal migrants belonging to non-secular minorities from these international locations have been excluded from the Bill.

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### 16 CONCLUSION

Clearly, this class isn't always primarily based totally on any intelligible differentia having nexus with the object sought to be carried out, consequently, there may be no affordable category. The differentia neither covers internal its ambit all of the neighboring international locations, nor does it cover all religiously persecuted minorities. The Citizenship Amendment Act, 2019 does now not have any rational or absolutely aim to acquire and as an end result it prima facie fails to qualify the check of reasonableness.

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<sup>9</sup> Hamdard Dawakhana and Anr., v. The Union of India (UOI) and OR's., AIR1960SC554; Confederation of Indian Alcoholic Beverage Companies and OR's. Vs. The State of Bihar and OR's., 2016(4) PLJR369.



Nevertheless, the constitutional vires of the newly enacted Citizenship Amendment Act, 2019 has already been challenged earlier than the Hon'ble Supreme Court of India, who will now have a take a look at its constitutional validity at the touchstone of "check of reasonableness", but until then the speak as to the extremely good or terrible discrimination created with the aid of the Citizenship Amendment Act, 2019 will maintain absolutely.

Article 9 of the Constitution of the Democratic Socialist Republic of Sri Lanka states: "The Republic of Sri Lanka shall provide to Buddhism the maximum vicinity and for this reason it'll possibly be the duty of the State to defend and foster the Buddhas asana, at the equal time as assuring to all religions the rights granted by way of way of Articles 10 and 14(1)(e)."

Articles 361 and 362 of the Constitution of the Republic of the Union of Myanmar country the following. "361. The Union recognizes unique role of Buddhism due to the fact the religion professed thru the notable majority of the residents of the Union. 362. The Union additionally acknowledges Christianity, Islam, Hinduism and Animism because of the fact the religions gift within the Union on the day of the entering into operation of this Constitution."

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