

# Bridging or building divides?



**I**t was last month, in March, that the Ministry Of Home Affairs notified the Citizenship Amendment Rules 2024, enabling the implementation of CAA that was first passed by the parliament in December 2019. But ever since we have heard these three letters, they have always been surrounded by controversy, debate, protests, reform, and much more. As the country has been navigating through the complexities of identity, inclusivity, and religious diversity of the act, **Vanshika Srivastava, XI C & Anoushka Sahney, X B, AIS VKC Lucknow**, are here to tell just the facts of the same act that has emerged as a crucial turning point in defining the boundaries of citizenship.

## WHAT IS IT

- The Citizenship Amendment Act, commonly abbreviated as CAA, was first passed in the Indian parliament on December 11, 2019. The bill is designed to provide protection to individuals who have fled to India due to religious persecution. It is made with the aim of shielding these refugees from the risk of facing illegal immigration actions.
- The act is actually an amendment to the Citizenship Act of 1955, and its aim is expediting the process for persecuted minorities (including Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians) from Pakistan, Afghanistan, and Bangladesh to acquire Indian citizenship.
- The act offers a streamlined pathway for those who entered India on or before December 31, 2014.
- The legislation actually excludes the names of Muslim migrants, focusing instead on the minorities facing religious persecution in the three specified Muslim-majority countries.
- On March 11, 2024, the Ministry Of Home Affairs formally announced the rules for the Citizenship Amendment Act. This action came in response to the union home minister Amit Shah's pledge to implement its rules and regulations before the 2024 national elections.

## WHAT IS ITS HISTORY

- Though most people got to know about CAA in 2019 through the news, the act first came into the picture in 1955 when the Indian government granted citizenship to all individuals born in India (with certain restrictions).
- Revisions in this act were done in 1985, as the Assam Accord was signed by the Rajiv Gandhi gov., after the tumultuous protests in Assam against the migrants from Bangladesh. This amendment now granted citizenship only to Bangladeshi migrants who arrived before 1971, with certain conditions and provisions.
- The Citizenship Act was further amended in 1986, 1992, 2003, 2005, and 2015 with various different revisions.
- The modern form of the act, as we see it, was first introduced in 2016 by the BJP gov., proposing eligibility for Indian citizenship for non-Muslim migrants from Pakistan, Afghanistan, and Bangladesh.
- Despite being passed by the Lok Sabha, the lower house of the Indian Parliament, the bill stalled in the Rajya Sabha due to widespread political opposition and protests against the same in Northeast India.
- On December 9, 2019, the bill was again introduced in the Lok Sabha by the minister of home affairs, Amit Shah. Despite efforts by the opposition to filibuster the bill, it was passed.
- The bill was passed by the Rajya Sabha



on December 11, 2019 with 125 votes in favour and 105 votes against it.

- The act came into force on Jan 10, 2020.

## WHY IS IT SUPPORTED

- CAA aims to look out for the minorities by granting Indian citizenship to non-Muslims from Afghanistan, Bangladesh, and Pakistan who have been living in India illegally or on long-term visas.
- According to the Ministry Of Home Affairs, around 31,313 persecuted minorities (Hindus, Parsis, Buddhists, Sikhs, Jains, and Christians) could benefit from CAA. The immediate beneficiaries will include 25,447 Hindus, 5,807 Sikhs, 55 Christians, two Parsis and two Buddhists.
- The act will provide identity and community to the migrated minorities who see themselves as nation-less.
- The bill aims at providing legal recognition for illegal migrants so that they

can gain a pathway to citizenship.

- With a reduction in requirement, it bestows accessibility to Indian citizenship.
- Organisations from 12 countries representing minorities of Bangladesh have described it as 'humanitarian'.

## WHY IS IT DEBATED

- The act faces backlashes as the protestors claim that it grants facilities to various communities but not Muslims, the second largest religious community in India.
- Critics claim that the act can, along with the National Register of Citizens, render many Muslims in the country stateless as they may not be able to meet the strict identity proof requirements.
- The opposition alleged the act to be 'decisive politics'. The second biggest political party of the country, Indian National Congress, claimed the act to be politically strategised. Congress general secretary, Jairam Ramesh, questioned the timing of implementation along with stating expected deadline for formation of law.
- Sharad Pawar, president, Nationalist Congress Party, has claimed it to be "an assault on parliamentary democracy."
- West Bengal CM Mamta Banerjee remains unclear over notifications of CAA and doubts its legal validity.
- The act has also received accusation of being a 'polarisation tactic' by Waris Pathan, spokesperson for the All India Majlis-e-Ittehad-ul-Muslimeen.
- The Office of the UN high commissioner for human rights called the act "fundamentally discriminatory".

■ Critics have also questioned the exclusion of other religious minorities from Tibet, Sri Lanka, Myanmar etc.

■ CM of MP, Chhattisgarh, West Bengal, Punjab, Kerala, Rajasthan, and Puducherry have stated that they will not implement the act, though the Union Home Ministry said that states have no power to do so.

■ RAW, India's foreign intelligence agency, has expressed concerns over the act, stating that using it, foreign intelligence agents will be able to infiltrate India legally.

■ Political representatives from Malaysia, USA, Pakistan, Afghanistan, Kuwait, Australia, and Bahrain have expressed concerns against the act.

