

# **CITIZENSHIP AMENDMENT ACT: THE PREY OF A TOXIC MENTALITY**

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## **ABSTRACT**

Toxic mentality can easily ruin any mind and its capacity to form a constructive lawful opinion. Due to this toxicity in the minds the real meaning of democracy cannot be achieved which is by the people, for the people and of the people. As for a particular student it is necessary for him/her to participate for the overall development in the same way there need to be active participation of people at a large base to enhance the development and success of the democracy. For democracy to thrive it is essential that people just not merely believe the law maker without using and applying his own conscience.

This research paper highlights the utter toxicity with which the people have mingle the two separate laws i.e. CAA and NRC and come up with critics having no lawful grounds to subsist. Rather it reflects some unethical and poisonous propaganda which some political and intolerable elements want to rule over the real issue which the proposed act was set up.

This research paper encompasses in-depth analysis of the origination of the problem, objections raised and provisions of CAA, NRC and CONSTITUTION OF INDIA to give the readers all the lawful arguments in favour of the acts and against the acts so that when the readers with non-aligned minds read it will be able to understand the pros and cons.

Accordingly, the research paper has been written even-handedly as the paper aims to create a strong constructive lawful opinion for both sects of people to stand against and in favor with comprehensive minds so that the actuality can be brought to reality. Further the readers will come across the fictitious propaganda which is cultivated in the minds of people of community wrongfully to create an atmosphere of violence against other community in the country.

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**KEYWORDS:** CAA, NRC, CITIZENSHIP, SECULARISM, BASIC STRUCTURE

## **PART A**

### **INTRODUCTION**

December 2019 marked the passage of one of the most controversial amendment acts in Indian parliament. The act has created disaffection towards the government at an unprecedented scale. We have already seen people marching and protesting out in the name of the constitution raising voices that the basic structure of the constitution has been crushed by the feet of the brutish NDA government led by BJP. It is believed to be that BJP is a Pro-Hindu party which has ambitions of creating India as a theocratic state with “HINDUISM” as state religion and driving out Muslims from the country thereby destroying the secular character of the nation. Thus, the central argument becomes that the elected government is keenly interested to strip off Indian Muslims from their citizenship and render them impotent.

The nation has seen heated debates over secularism which has become a lethal weapon in the hands of politicians for their vote bank politics from decades. This weapon has been used by different political parties for the appeasement of minorities mainly Muslims in India and earned a considerable amount of vote share against the interests of majority i.e. Hindus. The word “Secularism” meant the principle of separation of the state from religious institutions.<sup>3</sup> A light has to be reflected upon two relevant facts firstly the framers of the constitution did not include the word “secularism” in the Constitution. Secondly, the Constitution had been incorporated with the article 25 which showers freedom upon citizens to profess, practice and propagate religion. Clearly the framers of the Constitution did not mention “secularism” instead conferred them with article 25 because in their view’s “secularism” is the spirit with which the fellow citizens had to adapt and inherit rather than by mentioning it. Prof. K T Shah was the one who moved the motion for the insertion of word “secular” and stressing on one of the view that the nation has seen a lot of unhappy experiences in the name of religion<sup>4</sup> to which Dr. Ambedkar reply that the constitution has been embodied on the secular principles itself and so there is no need of inclusion of word “secular” and that constitution is merely a mechanism for the purpose of regulating the work of various organs of the state and the organization of the society must be

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<sup>3</sup> Definition from oxford dictionary

<sup>4</sup> Constituent Assembly of India debate dated 15/NOV/1948 vol 7 document no. 53 para 30 and 31

decided by the people themselves according to time and circumstances.<sup>5</sup> They want the people to believe in themselves that it's the people and their secular spirit within them which would keep the nation together as secular instead of explicitly mentioning it in the preamble. The article 25 of the Constitution was enough to reflect one of the secular principles. The first prime Minister of India remarked it modern for having a secular state and had said in the constituent assembly that we had done something which every country does except for a few misguided and backward countries. But political parties had something else in their minds. In the post emergency period when there was hue and cry against the then Prime minister Indira Gandhi which inflicted her with the fear that she might lost the power and the Prime Minister's chair then there she crop up the idea of addition of the word "socialist" and "secular" through the 42<sup>nd</sup> Constitutional amendment. The intention behind the 42<sup>nd</sup> Amendment was clearly vote bank politics and to pretend Infront of the people that through the word "socialist" they are only concerned about the poor and through the word "secular" they are the true torch bearers of the rights of minorities.

This paper analyzes the provisions of CAA and argues contrary to the school of thought of the public that the provisions of the CAA has been discriminatory against the Muslim immigrants rather is actually not the episode of recent epoch. The paper throws light on the history of realization of citizenship provisions and the heterogeneous treatment between non-Muslim and Muslim immigrants and that the CAA is just the resemblance of the policies adopted at the time of independence. Along with the paper also argue against the contradictions arisen out of the act in the present times by diffusing the burden of proof on Indians to prove their citizenship, desertion of the right to citizenship by birth and the omission of "dreamers" who illegally entered into India as minors with their parents.

## **HISTORICAL BACKGROUND OF THE PROBLEM**

The problem traces us back to the time of partition of India which unfortunately was a result of poisonous seeds sowed by the Britishers as their part of policy and that led to the partition of India on religious basis. The ultimate partition led to creation of two nations i.e. India- the secular nation, West Pakistan and East Pakistan- the theocratic Islamic states. After India got Independence there were two waves of migration which took place from West Pakistan. Considerable number of Muslims left India and went to West Pakistan to permanently settle

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<sup>5</sup> Constituent Assembly of India debate dated 15/NOV/1948 vol 7 document no. 53 para 39

there and so when they departed their property was seized by the state. Now the first wave comprises of non-Muslim community i.e. Hindus and Sikhs which were compelled to adopt the Islam religion or to migrate from the Islamic state. So, the first wave was welcomed with warmed hands and were regarded as “displaced persons” and the seized property was used by the state to rehabilitate the displaced persons. There were hardly any Hindus and Sikhs left in the West Pakistan province and immigration was almost stopped by the end of July 1948. The problem arises when the second wave of migration took place which consists of Muslim immigrants. Those Muslims also returned to India who earlier left to settle in Pakistan. They now posed a problem before the nation when they again wanted their seized property. Already that property was utilized for rehabilitation of Hindus and Sikhs who migrated from West Pakistan. A bigger threat was posed before the state which was the Muslim refugee demanded back their property which was possible when the rehabilitated non-Muslim had to left without shelter.

Both the leaders Jawaharlal Nehru and Sardar Vallabhbhai Patel in 1948 raised the concern on the influx of Muslim immigrants and failure to prevent the influx. Further the Sardar Vallabhbhai Patel also reasoned that returning Indian Muslims could be a big threat to peace and security of New Delhi” to which Nehru replied that indeed this was an undoubtedly serious matter. The issue was raised in regard to the view that when these people left India voluntarily as on their own conscience and as to what happened that they are returning now. It was due to this permit system being introduced but only to West Pakistan on 19/July/1948. On a specific note Muslim returning to would be welcomed if his return does not subject to any plan created for rehabilitation non-Muslim immigrants. Further the permanent resettlement system laid down two conditions firstly the applicant has to disclose his religion and secondly the property he wished to return on. The applicant was rejected if his property was utilized for the rehabilitation purposes. As stated, the migration of Hindus was stopped by 1948 from West Pakistan but still a large number of them were left in East Pakistan. Clearly the Indian government at that evidently has no concerns over the actual migration of Hindus and Sikhs and did not introduce a permit system to east Pakistan thus made room for them but roused concerns over the returning of Muslims in India.

## **FACT IN ISSUE**

Citizenship amendment act is the act of misunderstanding and of violative nature according to people of the nation this act is pro-Hindu, violating the basic structure of the constitution and the idea of secularism is torn into pieces by this act making it difficult to understand the true meaning of this idea, instead this controversial act is developing hatred in the citizens of 1 nation and dividing them in favor and against of this act and in the leadership of BJP which is believed to be Pro-Hindu making it more controversial.

These are some of the arguments by the people that the Citizenship Amendment Act 2019 passed by the Indian Parliament is not just poisonous, discriminatory, and divisionary but also against the foundational philosophy of Constitution of India. The CAA is fundamentally discriminatory in nature and has been enacted aiming to target India's largest minority community i.e. Muslims. The Citizenship Act 1955 was providing 5 different grounds of acquiring the Indian citizenship but the new CAA is providing citizenry rights to some religious minorities of the neighboring countries to India just on the basis of religion, which makes this Citizenship Amendment Act completely partial and against the soul of the article 14 of the constitution of India.

Many countries have duly expressed their concern over the certain developments which occurred in the recent past in India and doubted that whether the country would able maintain its secular and heterogeneous character or uncompromisingly link itself with some notorious "majoritarian states" of the world?<sup>6</sup> The UN criticized the straightforward discriminatory provisions of Citizenship Amendment Act 2019 in an out of the ordinary rough language but the present dispensation appears that it is not inconvenient about unreceptive international climate against India.<sup>7</sup> Another crucial question is that whether India is prepared well for distancing its relations with United Nation, Middle East and EU.<sup>8</sup>

The defense of "Doctrine of reasonable classification" taken by the government is not sustainable under the eyes of law. Rather it is not the "reasonable classification" but "class legislation" making it fundamentally wrong and unconstitutional. Moreover, the CAA also harms the soul of Preamble and Articles like 15, 25, 29 and 30 of the Indian Constitution apart from

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<sup>6</sup> Rana Ayyub, India's protests could be tipping point of authoritarianism, The Washington Post, Dt 18.12.2019

<sup>7</sup> UN Press Release Dt 13.12.2019, also see, Explained- The Indian Express, New Delhi Dt 17.12.2019

<sup>8</sup> Azad Essa, Middle East Eye, Dt 18.12.2019 <http://www.middleeasteye.net>

Article 51C and Article 253 that makes an obligation to India to respect all the international laws in its true nature.

According to the report published by US secretary to state on international religious freedom there has been continued aggression and violence against religious minorities in Bangladesh. There has been intolerance towards liberals who are against religious extremism and minorities who are time and again are forced to leave their property and place by the majoritarian extremists. The state machinery is not capable enough to put a full stop or even minimize the poisonous incidents against liberals and minorities substantially so that the worse situation which is yet to come can be vanished brewing in the nation around.<sup>9</sup>

## **PART B**

### **I. Citizenship Amendment Act 2019 (CAA) and National Register of Citizens (NRC)**

The Home minister in his famous “Aap chronology samaj lijiye” speech had clearly made it evident that the CAA will be succeeded by NRC which in turn will be implemented in the whole of India and not just West Bengal. He reiterated that the problem of illegal immigration does not confines to Bengal only instead it’s the problem of the entire nation. The problem is not the CAA only but also the implementation of NRC just after it and so there has been protests across the nation and not confined to a particular part.

#### **1. Whether CAA is contrary to Article 14: Equality before the law.**

The act from its very amendment had been criticized for its non-equal treatment to people of different religions and widespread protests had been there against the act. People claim that the act is contradictory to article 14 i.e. equality before the law against its “class classification principle”.

##### **a) Allowed only certain religious communities and not others**

The CAA allows only people who are Hindus, Sikhs, Jains, Buddhists, Parsi and Christian immigrants, but not to other immigrants which clearly had excluded Jews, Muslims minorities and atheists. The act claims that the six minorities included have been facing

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<sup>9</sup> <https://www.state.gov/wp-content/uploads/2019/05/BANGLADESH-2018-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>

religious persecution in Afghanistan, Pakistan and Bangladesh. The Indian Muslims who are the major opposers of this act believed that the pro-Hindu BJP party is implementing their agenda of Hindutva in the nation which is against the principles of secularism and thus clearly demarcating between Hindus and Muslims.

**b) Allowed immigrants from 3 countries i.e. Pakistan, Bangladesh and Afghanistan only**

The CAA allows people from these 3 countries only and has not taken any regard with other asylum seekers like Myanmar. With regard to Pakistan and Bangladesh these 2 particular countries share borders with India but in reference to Afghanistan it did not share any border with India. So, the opposers questioned why the government ignored the persecuted Rohingyas from Myanmar. They alleged the government of not treating the same kind of people equally.

**2. Whether CAA is contrary to article 15: Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth**

The act had identified people in the category of religion and people facing religious persecution which is why the opposers are in anguish with formulation of the act. They had been criticizing it saying that it discriminated on the grounds of religion and is contradictory with article 15 of the Constitution of India. It is no doubt that the act had clearly sparked a distinctive opposition with different religious people having different reasons of opposition. People of Assam are criticizing it on the ground that the act may provide citizenship to quite a large number of people and it would impact demography and culture of tribal people of Assam. Likewise, Muslim community saw it as an attempt to of creating India, a Hindu Rastra and disrobe people of Muslim community out of India since it will be succeeded by NRC.

**a) Classification on the basis of religion only.**

The people had been questioning the government over the issue why they selected the criteria/classification on the basis of religion only. The facts are also being highlighted that the BJP almost get negligible vote proportion from Muslims and that the Muslim immigrants would not vote in favor of the BJP so they come up with this unique solution and render this act in a suspicious position. The CAA has also attracted such spark because it is not the only problem. Since it will be succeeded by NRC so it has become the most important issue to be addressed leaving apart everything.

**b) Why the 31st/December/2014 chosen to be the date.**

The opposers questioned on the date as to how and why they had set the date as 31<sup>st</sup>/December/2014. A question had aroused why people who arrived in India before the mentioned date are eligible to seek citizenship under CAA and why not others.

**3. Whether CAA is contrary to article 25: Freedom of Conscience and Free Profession Practice and Propagation of Religion**

The act has been widely protested by the minorities on the ground that it violates the article 25 and thereby tries to instill fear in the minds of minorities on their freedom to profess and practice their religion. Since it is going to be succeeded by NRC, it was altogether seen as an attempt to shake the minorities proportion in the nation by either letting them rip off from their homes or to compel them to stop professing Islam.

**4. Whether CAA is contrary to article 29: Protection of interests of minorities.**

The Muslims being the major opposers of the act. They had legitimately connected their argument that act is in violation of article 29 which protects the interests of minorities with the argument of people of Assam.

**a) Change in demographics would act as a hammer on the interests of minorities**

They argue that like people of Assam who are opposing it saying that their cultural heritage had to suffer a blow due to this amendment, the same way the interests of minorities would also suffer a blow. The same argument also focuses on the issue that it's an attempt to change the demographics of the nation, thereby creating a solid vote bank base for future endeavors by the ruling Hindutva BJP party.

**5. Whether CAA is contrary to article 51(c): foster respect for international law and treaty obligations in the dealings of organized peoples with one another; and article 253: Legislation for giving effect to international agreements**

The article 51(c) of the Constitution of India states to uphold and protect the sovereignty, unity and integrity of the nation, and the Citizenship Amendment Act, 2019 from its very beginning has cracked the country in parts on religious grounds and giving rise to widespread protests across the country violating the integrity of the nation and disturbing the sovereign framework of the country. Directive Principles of State Policy (DPSP) mentioned in Article 51(c), which protects the rights of the citizens and are fundamental within the governance of the country. Fundamental Rights and Fundamental Duties mentioned under article 51(c) as per the Supreme

Court judgment in *Minerva Mills Ltd. & Ors vs Union Of India & Ors* case<sup>10</sup>, they are complementary and supplementary to one another and are the basic soul of the constitution of India which if violated through any amendment law will automatically violate the founding principles of constitution and make that law unconstitutional and void.

The article 253 constructs an obligation on India to respect all international treaties and laws in its true spirit. Article 253 talks about to lay effects to international agreement. Although it's not ratified but it comes under the customary law, hence should be followed and if not followed by the signatory parties then will violate the principles of International law i.e. *jus cogens* and *obligatio erga omnes*.

India has always been a global representative and leader in protection of human rights and minority rights, but the Citizenship Amendment Act has critically affected the image of the nation as a leader and protector of human rights after promulgation of the Citizenship Amendment Act. This law also hits several international laws and treaties in which the India is a signatory, like Article 3 of Convention on Torture, 1984 that prohibits parties from returning, extraditing, or resending any person to a state where there are substantial grounds for believing that he would be in danger of being subjected to torture” which India has signed on 14 Oct 1997, the recent law of NRC is showing the same impact against which India has been a signatory.

The entire criticism and arguments by the people had been compressed into one prominent issue that the basic structure of the constitution has been brutally crushed by the extremist enjoying the power. The protestors eminently raised the posters having the quotes “Saffron tea: So strong that it can even dilute the constitution.” Person by person all emphasized one thing that the elected government had been violating the doctrine of basic structure which the Supreme court of India in its landmark judgement of *Kesavananda Bharati Sripadagalvaru and Ors. v. State of Kerala and Anr.*<sup>11</sup> case had propounded that the basic structure of the constitution cannot be altered or amended by the parliament. The people also highlighted that the elected government is clearly misusing the powers vested in its hands and misusing the majority it had earned in both the houses.

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<sup>10</sup> 1980 AIR 1789, 1981 SCR (1) 206

<sup>11</sup> (1973) 4 SCC 225: AIR 1973 SC 1461

## **GOVERNMENT'S RESPONSE ON THE ABOVE ALLEGATIONS**

The government on the other hand denied the allegations. They stated that these are fabricated allegations against the government. The government also in their statement emphasized that these minorities have been facing religious persecution due to the intolerant behavior of the extremists and that they have no protection there in those countries from decades and is clearly evident from the huge downfall in their population over the time. The government had reiterated in the parliament that these minorities would become extinct in the near future in those countries. Also, it was factualized by the government that being the Islamic nations, Muslims out there do not face religious persecution and enjoy protection before the law so they deemed it necessary to bring up this legislation and claim that there are no unconstitutional provisions in the act. The government put light on some previous facts stating it's not the first time when the issue of illegal immigrants has been aroused. It reflected that in 2006 when the BJP was not the ruling party then also in Lok Sabha the issue had tremendous heated debates when then Mamata Banerjee aggressively attacked the UPA government in the failure to control the problem of illegal immigration. After the speaker refused to take up the matter for discussion, she went on to throw the torn papers on the speaker of the Lok Sabha.

But on the question of other religious minorities facing religious persecution the government turns blind eye on the subject matter regarding Jews, atheists and other Muslim minorities likely Shias and Ahmadiyya's who also face religious persecution in these Islamic countries.

## **LAWFUL ARGUMENTS IN FAVOR OF CAA AND NRC:**

- Article 14 and the Doctrine of Reasonable Classification

The first thing which every critic has said so far is keep augmenting with time that the CAA violates article 14. We must understand what article 14 interprets. The article 14 forbids the unequal treatment of persons equally circumstanced in the same way the article adheres that equal treatment of persons unequally circumstanced is not the right to equality which means that state can treat different people differently if circumstances prevailing justifies so. The article 14 also interprets that all laws cannot be general in character. Therefore, the article does not forbid reasonable classification. case, Chief Justice Patanjali Sastri held that Article 14 does not "mean that all laws must be general in character and universal in application" or deprive the state of its

“power of distinguishing and classifying persons or things for the purposes of legislation.”<sup>12</sup> And also emphasized that Article 14 of the Constitution does not require that the classification brought about by legislation be “scientifically perfect or logically complete”. The classification must be reasonable and substantial which clearly sought to be achieved the desired objective of act. Further two conditions need to be fulfilled for a classification to be reasonable: -

- ✓ It should stand the test of intelligible differentia which should clearly make the distinction between the persons grouped together from them who are left out.
- ✓ There has to be a rational nexus between the basis of classification and objective of the act.

The act sought to pass the test of reasonable classification. As it has reasonable classification under which it had included only six communities and not further thereof as it clearly set the distinction with regard to the objective of the act.

- Article 15

The article 15 start with the words “The State **shall not discriminate against any citizen** on grounds only of religion, race, caste, sex, place of birth or any of them”<sup>13</sup>. The article 15 does not come into picture unless and until the person becomes the citizen of India and it does not apply to non-citizens. Clearly the CAA is not in violation of article 15 since the law applies to non-citizens.

- Article 25

The article 25 reads as the Freedom of conscience and free profession, practice and propagation of religion. The law does not create any hindrance or restriction or asserts any kind of obligation on anyone on his/her freedom to profess, practice or to propagate the religion. With this regard the law is not in violation of article 25 of the Constitution.

- Article 29

One should keep in mind that if CAA is giving citizenship to six non-Muslim communities on ground of religious persecution then neither there is any clause where it is explicitly or non-explicitly denying or apprehending the people of Muslim community to apply for citizenship on any ground nor the government has issued any order where they had announced that people of Muslim community are ineligible for Indian citizenship under any circumstances. So, the

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<sup>12</sup> Kedar Nath Bajoria v. State of West Bengal, AIR 1953 SC 404

<sup>13</sup> Article 15 of The Constitution of India

argument that the interests of minorities are not protected is vague as they are also eligible under the pre-existing conditions and law for Indian citizenship and that there is no danger to interests of minorities.

- Article 51(c) and Article 253

The Article 51(c) states that foster respect for international law and treaty obligations in the dealings of organized peoples with one another; and article 253 states that Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body. The legal mechanism restricts the remedies. Both the articles have manifestly laid the power in the hands of the Parliament which has to make law to give any meaning to the convention or treaty to which India is signatory otherwise the conventions and treaties are meaningless and does not make any legal obligation on the government. Even the international court of justice cannot interfere in the sovereign acts of a nation on its own accord.

### **LAWFUL ARGUMENTS AGAINST CAA AND NRC:**

- Article 14

The article 14 of the Constitution of India says “The State shall not deny equality before law to any person” and the person includes citizen, non-citizen, refugee, everyone and the CAA is completely violation the soul of Article 14 by denying equality before law to people of Muslim minorities.

The Doctrine of Reasonable classification is a general defense taken by the government to save their faces but in reality this defense is not tenable under the eyes of law rather it is not the Doctrine of “Reasonable Classification” but “Class Legislation” hence which is fundamentally wrong and completely unconstitutional.

- Article 25

The constitution of India is a perfectly secular constitution; even the preamble of the constitution declares the country as a secular republic and provides every citizen of the country liberty of thought, expression, belief, faith and worship. Thus Article 25 provides freedom of conscience and free profession, practice of religion, but it is violated by Citizenship Amendment Act, as it is

“Class legislation” which divides the people or subjects of legislation, to grant privileges or impose burdens on them.

The Citizenship Amendment Act (CAA) grants a subtle privilege to the people who believe in non-Islamic religions and *ipso facto* extends a clear disincentive to those who believe in Islamic faith. Thus, the Act in response violates Article 18 of the UDHR and Article 25 of the Constitution of India.

- Article 29

The article 29 of the constitution speaks in the favor of protection of “interests of minorities” and amendment of the citizenship is hammering the rights of the people of the Assam as this providing of citizenship to illegal migrants will majorly blow the culture and the rights of the minorities of people as they as distribute their land among new people with cultures and even may harm the original, and it may majorly change the demographics of the state.

- Article 51(c) and Article 253

The article 51(c) of the constitution states to give foster respect for international laws and treaties and an obligation to follow it and according many international bodies the recent amendment of Citizenship Act has violated several international treaties in which India is a signatory of treaties for the protection of refugee rights, etc., and article 253 of the constitution also makes similar kind of obligation upon the state to respect and make laws in accordance to international laws and treaties, it is a customary law if not followed will violate the principles of international laws. In Article 2(1) of ICCPR, 1966 it is clearly mentioned that each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to jurisdiction of the state, without discrimination of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Hence through the Article 26 of ICCPR, it is to be ensuring that the law shall prevent any distinction and guarantee to everyone equal and effective protection against discrimination on any basis which India has ratified on 10 April 1979 and come into force from 10 July 1979 onwards.

- Extreme Burden on Judiciary

The National Register of Citizens (NRC) is creating extreme burden on Indian judiciary system to bear, only in Assam which has a population of 3.10 crores (approx.) the NRC has left 19 lakh people out of its ambit and now the burden of proof falls upon the people to prove their citizenship leading to lakhs of appeals in tribunals.

In the case of Abdul Kuddus v. Union of India Justice Sanjiv Khanna<sup>14</sup> authored and pronounced the judgment on behalf of Chief Justice Ranjan Gogoi and Justice Deepak Gupta, stated that those excluded from the NRC may only file an appeal before the Foreigners Tribunal. But if they have previously already been declared a foreigner by the Tribunal, their only option is to file a fresh writ petition before the High Court of Guwahati.

If we suppose out of 19 lakh people 10 lakh people are granted citizenship still the aggrieved 9 lakh people will file a fresh writ petition in high court means 9 lakh appeals. Imagine this will create what amount of burden on High Court, how much more pressure they will be put on. This is the condition of one state having a population of approx. 3.1 Cr. Then what will happen to the nation with a population of 138 Cr., even if we roughly assume around 1Cr. people will be left out of ambit of NRC if flawed in entire nation. Then think what amount of pressure will be put on the shoulders of judiciary where already more than 3.5 Cr. cases are pending and more than 44 lakh just in High courts.

Our judiciary infrastructure is incapable of overloading more burden upon them. Even if they try to do so true justice will never be delivered because there will be no speedy deliver of justice. Also, there is shortage of judges in the nation so we need a better infrastructure and require new considerable number of judges as well.

## **CONCLUSION:**

In conclusion we present that, it is emphasized that Citizenship Amendment Act (CAA) is focused on giving citizenship rights to the persecuted minorities from Bangladesh, Pakistan and Afghanistan and is not taking away any Indian Citizenship. Pakistani Hindus who moved to India in recent years told the BBC they face social and religious discrimination, with a particular issue being the targeting of Hindu girls in Sindh province. The people left out of the ambit of CAA will still have the provisions of Citizenship act of 1955, available for them in case of need; and as far as the NRC is concerned which has been implemented earlier in state of Assam, is to collect data and the data collected is required for issue of identity cards. For the NRC, It is for all Indian citizens irrespective of their religion, place or any other dimensions. NRC is important

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<sup>14</sup> <https://www.scobserver.in/the-desk/nrc-the-right-to-appeal>

because it is a national security issue and as a developing country it is an absolute necessity, for adequate use of resources and maintenance of Law and Order in the Country.

The CAA has 2 sides like a coin, it has been seen that both of the sides depend upon the people who are reading and interpreting the law, it's neither completely unconstitutional nor constitutional as well it depends upon the reader which side it turns to understand. The act of controversy, Unfazed by the criticism of the own people of the nation and other international bodies, that the CAA seeks to enshrine religious discrimination into law, contrary to our long standing, secular constitutional ethos. The NRC is flawed in the entire nation like Assam many people will be left out of its ambit and the burden of proof will fall upon the people to prove that they fled to India before 31st December, 2014 and due to religious persecution in their state, and it will not be an easy task to do so. It would not be an elaboration to note that the Citizenship Amendment Act (CAA) has been one of the most evocative and controversial pieces of legislation in recent times. In a sense, it has served to reinvigorate the constitutional values and spirit among the nation masses. However, the intent of the CAA and resultantly, its logical outcomes has been widely misunderstood.

India's 'greatest strength is unity in diversity' and it can only be preserved when every Citizen of the country thinks like an Indian. The Citizenship Amendment Act (CAA) does not try to disturb the status quo of any Citizen of India and if one thinks that the BJP government is determined to create a theocratic state killing the secular status of the nation. India after becoming a Hindu Rastra would still be a secular nation as one has to keep in mind that secularism is the spirit within oneself and has to fragrance in the mind just like other secular nation United Kingdom (U.K) where Christianity is the state religion. It simply gives legitimacy to persecuted religious minorities who are already residing or have been forced to seek refuge in India and were compelled to flee from their "home" countries after facing religious persecution.

Burning trains and attacking the police force with Molotov cocktail grenades, does not be seen as a peaceful protest. Right to protest in a democratic country does not give anyone the right to destroy public property. Dissent is fine, not descent. A few misguided students from Jamia Millia Islamia, JNU, Aligarh Muslim University etc., do not represent the larger student community and cannot be given a free run to attack democratic institutions under the guise of a protest.

No elected government anywhere in the world will tolerate its men in uniform being attacked by vandals who endorse mobocracy.