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CONSTITUTIONALITY BEHIND THE MOST CONTROVERSIAL LEGISLATION OF THE DECADE

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INTRODUCTION

The controversial Citizenship Amendment Act 2019¹ has come before the dais of its verification of constitutional validity² which would be the most significant legislation to grant citizenship based on religion and geography. It would not be an exaggeration to say that it is the most controversial legislation of the decade. The plea filed by Indian Union Muslim League(IUML) and Congress leader Jairam Ramesh against the Act that it is unconstitutional is under the purview of Supreme Court in its process of judicial review before its constitutional bench.³ It is important to note that the United Nations Commissioner applied to Supreme Court to join UN body as a third party, in reaction to which the Spokesperson of Ministry of External Affairs Raveesh Kumar contended "CAA is the internal matter concerning India's sovereign right and no foreign party has locus standi on an issue on it".⁴ Furthermore, there is no stay on the act⁵ and the Center filed its response that the Act does not violate the basic features of Indian Constitution.⁶

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¹Citizenship Amendment Act of 2019

²News Service Division, "Supreme Court agrees to hear plea challenging the constitutional validity of Citizenship(Amendment) Act-"All India Radio, Mar.6, 2020

³ Press Trust of India "SC agrees to hear journalist's plea challenges CAA and issues notice to centre-", India Today, March 7 2020(updated).

⁴NH web disc, "UNHCR moves Supreme Court against so it lacks objectivity, not in sync with international covenants", National Herald Mar 03.2020.

This article is to analyze the constitutional sustainability of the Act as it is not against the secular legacy of our Indian constitution⁷The allegation over this Act is that the exclusion of the Muslim community would infringe the constitutional ethics. But the reasonable classification is always admissible even if it been under inclusive classification if justified the legislative conduct is not speculative but being genuine.⁸This article is a pro-CAA article throws light on how this act is constitutionally valid and would not make anyone stateless.

This article disperses light on *intelligible differentia* with its *rational nexus* behind the inclusions and exclusions in CAA and the imitation of its affiliations with National Registration of Citizenship (NRC) and the voice of its validity.

1) PROVISIONS OF THE ACT;

This act mentions as per the amendments made to the section 2(1)(b), any person belonging to Hindu Sikh Buddhist Jain Parsi and Christian community from Afghanistan Bangladesh and Pakistan who entered into India on or before the 31st day of December 2014 and who has been exempted by the central government by or under clause C of subsection 2 of section 3 of the passport entry to India Act 1920 or from the application of the provisions of the foreigners act 1946 or any rule or under their under shall not be treated as an illegal migrant for this Act.

⁵Krishnadas Rajagopal, “Supreme Court refused to stay citizenship amendment at without hearing Centre” TheHindu, 22 January 2020.

⁶ Press Trust of India, “CAA in Supreme Court Act does not violate fundamental rights face centre”, Pune mirror India Times, Mar 17.2020.

⁷Mahesh Jethmalani, “besieged caused by sophistry. The CAA is constitutionally sound and it is unfairly picked apart by its enemies”, Times of India, January 16 2020.

⁸V Sudhish Pai, “Why CAA is constitutionally sound”, The lede, December 25 2019.

One of the remarkable allegations over this act is that it violates Art 14 of the constitution which ensures “*equality before the law and prohibiting discrimination on grounds of religion, race, caste, sex or place of birth*”. The inclusions and exclusions of constituents in the Act have seriously posted a question of its validity concerning constitutional ethics. It is differentially explained that the inclusions and exclusions in this Act are on rational grounds. This Act provides citizenship to the illegal migrants who are religious minorities persecuted in India's neighboring countries which are Republics of established religion,⁹ which is also known as their state religion with cutoff date as 31.12.2014. This classification is claimed to be a reasonable classification¹⁰.

2) IS CAA ALONG WITH NRC DANGEROUS TO MUSLIMS? - A NEFARIOUS MISCONCEPTION.

The central argument of this article whether this Act leads to statelessness. Momentous critics are making a narrative of if CAA is affiliated with NRC, would lead to Indian Muslims losing their citizenship and be demarcated as illegal immigrants. Since the Act seems to defend non-Muslims from such a mark. It is to be prudently verified whether the Act causes the above said repercussion. It needs to be clarified whether the view of CAAs affiliation with NRC is veritable and if there is a possibility it will make Muslims stateless. There is a sense of fear among Muslims if they will be asked for documents which they don't have, they will be marked doubtful and the non-Muslims may escape such demarcation through this Act. It is noted that this perception is wrong. There are no such documents been exacted needed in NRC rules (2003) and the NRC rules (2009).

Unfortunately, there is a fallacious perception of documents before Mar 25, 1971 will have to be submitted by Muslims, who are exempted by CAA to prove their citizenship during the process of registration of citizenship. The date of Mar 25, 1971, is only provided under Section 4A of

⁹ "Statement of objects and reasons, CAA(2019), *the constitutions of Pakistan Afghanistan and Bangladesh provide for a specific state religion as a result many persons belonging to.*

¹⁰ chart, “CAA must meet Article 14s reasonable classification” - Outlook, 23 December 2019.

NRC amendment rule 2009¹¹ about the special provisions as to National register of Indian citizens in the state of Assam dated 23rd March 2010. It is only applicable to Assam and no other parts of the country. The illegal migrants' problem in Assam and the Assam movement (1979-1985) result with the then prime minister Rajiv Gandhi to sign an accord¹² with All Assam Students Union (AASU) as per which the people in Assam have to furnish documents before 1971 to prove their citizenship. This is no way relevant to the people whole of India.

It is also significant to note that no way Muslims are going to become stateless because the CAA is no way partial and would not make a single Muslim stateless.¹³ As per CAA, there will be no automatic grant of citizenship for those beneficiaries under this act. The illegal migrants should have to apply and to show the proof of their religion to get citizenship under this act. This is why there should not be a presumption of non-Muslims can get citizenship under this Act and Muslims would be put in trouble.

Under Sec 2 of this Act, persons belong to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community been exempted by section 3(2)(C) of Passport (entry to India) Act 1920, and the application of foreigners act 1946 shall not be treated as illegal migrants. For this as per Sec (2)(1)(b) of the principal Act, illegal migrants are those who are

1) Without a valid passport or other travel document and such other document or authority as may be prescribed by or under any law in that behalf.

2) Without a valid passport or other travel documents and such other document or authorities as may be prescribed by or under any law in that behalf but remains there in beyond the permitted period.¹⁴

In the statement of objects and reasons of CAA, it is mentioned that the migrants of six communities without valid travel documents or if the validity of the documents expired makes

¹¹Section 4A / NRC rules 2009 "Special Provisions as to National Register of Indian Citizens in the State of Assam."

¹²Assam Accord (1985).

¹³ Press Trust Of India, "CAA is not anti-Muslims, a lot of misconception about it Jitendra Singh", India Today, Dec 22, 2019.

¹⁴ Citizenship Act of 1955. Sec 2(1)(B).

them ineligible for citizenship as of then. So both in the definition under Section 2(1)(b)(i) and (ii) of the principal act and the statement of objects and reasons of CAA it is mentioned only about the travel documents and documents in their behalf are of being exempted. Nowhere in the legislation has it talked about “undocumented illegal migrants”. That means it is authorised by law that the Centre can make any other documents regarding their religion and persecution to be provided necessary by the applications of citizenship under CAA.¹⁵

Moreover, the beneficiaries are those who are illegal migrants from minority religions of these three countries can only be benefited by the grant of citizenship, No person of those six communities who are not being from those countries and was in India predominantly are going to get citizenship from the legislation regardless of them being a Muslim or Non-Muslim. If there be any rule under CAA that exacts evidence from the applicants of this Act that they were from the referred three countries before the cut-off date, the Indians regardless of which religion do they profess, cannot get citizenship from the Act. Then how does this be discriminatory to Indian Muslims? Moreover, there is no way only Muslims are not been discussed in this Act, any person being an illegal migrant who is not being a Muslim from other countries neighbouring India is also not a beneficiary of the Act. So even there cannot be valid debates of Muslim illegal migrants from these countries are discriminated since their status with that of non-Muslims from other neighbouring countries are same.

As per the **FAQ¹⁶** released by the Central Government on December 20, 2019, for NRC, no one can be excluded based on religion and then there is no necessity of any person to provide the documents of his or her parents. Only common documents like Aadhar and voter ID will be required to prove identity and no way will the documents before 1971 be asked. The first NRC as implemented with statutory elements of **Assam Accord 1985** excluded 19 lakh people in Assam among which 12 lakh are Bengali Hindus 7 lakh are Muslims while the others are local and ethnic groups. Such Big exclusion may give a dreadful suspicion of whether the same

¹⁵ HT Correspondent, “*Those applying for Citizenship under CAA must provide religion proof- Officials*”, Hindustan Times, Jan 28, 2020.

¹⁶Press Information Bureau, Frequently Asked Questions, Dec 20.2019, <https://pibindia.wordpress.com/2019/12/20/q-a-on-nrc-national-register-of-citizens/>.

proportional result would come if the same process is implemented to the whole country. But Assam was infested by infiltrators after the partition of Bengal from West Pakistan¹⁷. Moreover, its adherence to the documentation requirement with the cut-off date of 25th March 1971 has led to such a result. The NRC Process in Assam is no way comparable to that of if NRC implemented Nationwide.

3) IS CAA WITH NRC DISCRIMINATORY TO MUSLIMS;

A better illustration may make the readers of the article why the Muslim community is being not considered in the legislation. For an example, if Srilankan Tamils who travelled without valid travel documents from their country if persecuted based on ethnicity are to be given citizenship, if legislation been brought in such a way describing Tamils from Srilanka those who came to India before a specific date shall be not considered an illegal migrant, can the Act be challenged that it is discriminatory to Sinhalese who are persecuted based on Caste or any other sect? Can the legislation be challenged for it does not talk about Hindi, Telugu speakers who are also being a minority in a country that officially describes Sinhala as its language? Can the legislation be challenged on grounds of it excludes Hindus, Christians and Muslims who are facing persecution in a country which has Buddhism as its official religion saying it only concentrates on persecution on basis of ethnicity and not religious persecution? The Muslims are excluded in the legislation of the principle that in the minority legislation, no people from the majority community can be benefitted.

There has to be a list which may not be arbitrary and to a base. To say about forming legislation about religious persecuted minorities, our parliament has not got the legislative competence to go beyond its border to find who are prosecuted. Instead, it can rely on an impartial source which is common and by the way, can evaluate the inclusion. As per 2011 census and 2006 Ministry of Minority affairs notification, six communities are identified as minority communities they are

¹⁷Rudroneel Ghosh “*There is a genuine issue of illegal immigration in Assam...Problem is what is to be done afterwards*”, India times, Sep 10 2018

Buddhist, Christians, Jains, Muslims, Sikhs and Zoroastrians. Apart from the six communities, Hinduism has constituted majority religion as per 2011 census. Now among these seven religions which have got majority and minority status in India, professed by whom remain minorities by the way of which Muslims are eliminated because of the reasonable classification from that of the three countries which have got Islam as their Republic state religion. This is how the six communities for CAA arrived.

Another illustration may explain the exclusion of Muslims in a better way is if for an example India is bringing legislation for protecting Minorities from discrimination inflicted by Majority community on communal grounds. For minorities it will include all the six communities aforementioned in the minority notification 2006 excluding Hindus as of how Muslims were excluded in CAA, can the legislation be challenged arguing it does not include Hindus who are also facing discrimination in the places where the people of minorities are majorities such as Ambur in Tamilnadu where Muslims are majority and Punjab where Sikhs are a minority. This illustration may also be suitable for legislations regarding minority concessions.

Harish Salve says law cannot be charged with inequality since it has not extended to the application of others with broader criteria to make inclusions accordingly. He also recalls courts have often held that it cannot interfere in the legislation merely because the application of it may have extended with broader criteria, or the other methods are also possible, though it is good for the country

As provided by the Supreme Court of India in the case of '*State of U.P v. Demon Upadhyaya*¹⁸', the scope of Art 14 is interrupted as "*equality before the law is a negative concept equal protection of laws is a positive one*". The court further observed that "*in a society of unequal basic structure it is well nigh impossible to make laws suitable in their application to all persons alike*". As per the doctrine of reasonable classification two conditions must be satisfied

¹⁸ *State of U.P v. Demon Upadhyaya*, SC1960 AIR 1125.

- i. It must be found on the intelligible differentia that distinguishes persons or class of persons that are grouped from others left out of the group.
- ii. There must be rational Nexus between the objects to be achieved by the legislation and the basis of classification.¹⁹

As per the case of '*Nagpur Improvement Trust v. VithalRao and other*²⁰ the objects itself must not be discriminatory is also an important point. The geographic inclusion is within the ambit of a sovereign decision of the country based on the democratic legislative necessity of the country. Anti-CAA activists claim why only these three countries are taken for legislative concern. It is to be noted that even selecting one particular country for such conferring of benefits is constitutional. If there is to be given citizenship to Srilankan Tamils, the equivalent legislation cannot claim unconstitutional if it didn't consider Bhutanese Christians or refugees from Tibet. Unless and until it has not developed a nexus on rational grounds based on intelligible differentia about its inclusiveness, it cannot be held unconstitutional.

As contented before, the Act provides citizenship to the illegal immigrants who are religious minorities persecuted in the countries of India's neighbouring, which are republics of established religions mentioned in the statement of objects and reasons of CAA. Afghanistan, Bangladesh, Bhutan, Myanmar, Nepal, Pakistan and Sri Lanka are the neighbouring countries that share their borders with India. Afghanistan is also sharing its border with Wakhan corridor in Pakistan occupied Kashmir. This was ambiguous prior. It was later reaffirmed in 2015 by India's national security advisor Ajit Doval.²¹

¹⁹*V.C Shukla. v. State(Delhi Administration)*1980 AIR 1382, 1980 SCR (3) 500

²⁰*Nagpur Improvement Trust v. Vithal Rao and others*, SC1973 AIR 689, 1973 SCR (3) 39

²¹"Need to factor 106 km border which Afghanistan", Times of India, May 23 2015. See also; "India Afghan border- Amit Shah is right and the opposition is wrong". The Print. December 9 2019.

Next among them, republics are Afghanistan, Bangladesh, Myanmar, Nepal, Pakistan and Sri Lanka, excluding Bhutan, since Bhutan is not a Republic rather a constitutional monarchy that is a government led by the king. Among them the republics which have an established religion, by the way of which Myanmar, Nepal and Sri Lanka are excluded because they are republics with Buddhism as majority religion but not established Buddhism as a state religion. The constitution of none of these countries has established 'Buddhism' as state religion though Buddhism is a majority religion in their countries. The Nepal constitution is secular. Myanmar puts Buddhism in a special position but not announced it as a state religion in its constitution. The Sri Lankan constitution considers Buddhism as its official religion but not as a state religion.

None of the three countries in their constitutions has made Buddhism as their State religion. In the constitution of Sri Lanka it has mentioned the position of Buddhism as in foremost, but nowhere in the Preamble or anywhere else it has mentioned Buddhism as a state religion. Similarly, the Constitution of the Republic of Myanmar does not provide for a state religion. Only Art 361 talks about recognising Buddhism of its special position, but not have mentioned it as a state religion. The Constitution of Nepal is a secular one as there is no description of a specific religion.

In contrary to that the Constitutions of Pakistan and Afghanistan have mentioned the republics as Islamic Republics. The Constitution of Bangladesh has provided in Sec 2A Islam as its state religion. The objects in CAA mention the constitutions of these three countries provide for a State religion. But in Objects of CAA, it is well mentioned that it considers Countries with a state religion. When noted about Bhutan the migrants or citizens of Bhutan need not have a valid passport or visa to enter into India as per ordinary regulations²² So the inclusion of Bhutan minorities in this act which grants citizenship without such documents would be meaningless. The rest are three countries Afghanistan, Bangladesh and Pakistan are filtered to those Republics neighbouring India which have an established religion as their state religion.

²²<https://boi.gov.in/content/bhutanese-passengers>; Official site, **Bureau Of Immigration**, Ministry Of Home Affairs, Government Of India.

There is another mala fide allegation that only religious persecution been considered, rather than persecution on other detrimental grounds. This is minority legislation. India, Pakistan, Bangladesh and Afghanistan considers as minorities, only the religious minorities. For example, if Tamils are populated 7.2 Crores when compared to the 120 Crores of Indian population it does not mean that Tamils are minorities. So minorities considered by Minority Affairs Ministry in India are only religious minorities.²³ So any legislation benefiting minorities will also trace such classification.

4) IS THE EXCLUSION OF AHMEDIYAS AND ROHINGYAS SUFFICIENT TO MAKE THE ACT UNCONSTITUTIONAL?

This Act is portrayed to be an anti-Muslim Act alleging that community's exclusion. The anti CAA activist claims that the Ahmediya and Rohingyas are excluded from the legislation²⁴ The very aim of the act is to bring a rational Synergy and also must not be arbitrary, artificial and evasive. The Ahmadis are cruelly persecuted²⁵ In such a way that they are declared non-muslims by Pakistan by the second amendment to the constitution of Pakistan and Ordinance XX on 26th April 1984.²⁶ If the act is going to take people belonging to Islam community as a criterion of classification, then this act would evade Ahmadis lead to its failure. But as per Indian census 2011, though it was opposed by all India Muslim personal law board and the president of Majlis-e-ittihadul and current MP Asaduddin Owaisi, the Ahmadis were included in as a subset of Islam.²⁷ The recently formed minority commission in Pakistan has also not mentioned Ahmediya as Minorities.

²³ Ministry of Minority Affairs Notification-Official Gazette of India, 27 Jan 2014.

²⁴ "Why Ahmadi, Rohingya Muslims not covered under CAA Karat asks?" Feb. 18 2020, **Economic Times**.

²⁵ "Ahmadis face persecution flee to Nepal" June 19, 2019, **Economic Times**.

²⁶ "298-B. Misuse of epithets, descriptions and titles, etc., reserved for certain holy personages or places Ordinance XX 1984."

²⁷ "Ahmadiyya finds a place as Islam Sect in Census", The Indian Express, Aug 4, 2016. See also; "Finally Ahmediya included as a 'Sect of Islam' in 2011 Census." India TV news desk, Aug 4, 2016.

The Rohingyas who were also considered a sub-sect of Muslims do not come under the definition of migrants from these three countries because they were fled from Myanmar²⁸ and undocumented and they have also registered as refugees in the UN. India has signed neither 1951 Refugee convention nor 1967 protocol²⁹

Since the reinforcement policies thereof would be a dangerous violation of the Assam Accord. Therefore, Rohingya refugees are to be governed by separate legislation and not under this Act. There need to be a constructive understanding of the difference between illegal migrants and refugees. Refugees are those who flee their countries because of any kind of persecution. Illegal migrants are those who have entered the country without travel documents. When forming legislation about refugees international conventions for refugees must be considered for its jurisprudence. They should not be asked any documents from the country which they fled from as being able to be asked in CAA for its beneficiaries. Moreover, for illegal migrants its enough if they are provided with citizenship, but for refugees, all the obligations in the conventions have to be entrusted. This is why Srilankan Tamils, Rohingya Muslims and Tibetan refugees are not considered in this act. This Act contains no word 'refugees' and it only deals with illegal migrants. Rohingyas are refugees who are undocumented and distinguished from this act that exacts the submission of documents,

If for instance, Ahmadis were included in this Act, it would raise an ambiguity of further inclusion of other communities such as Shia Muslims who are also persecuted in Pakistan and non-Muslim communities persecuted in the three countries who are not included in this act such as Baha'i faith and Indigenous tribal religions such as Animism. But as mentioned in the prior paragraph a base maintained for inclusion and exclusions for which communities that are majorities and minorities in India still being a minority in those three countries(Hindu, Sikh, Budh, Jain, Parsi, Christians) been added in the legislation will be disturbed. This is the reason behind Parsi, and Christianity being included but Jews, Baha'i' and Islam is been excluded. India concerning any legislation for people in its neighbouring countries doesn't have parliamentary

²⁸“UN Starts registering Rohingyas refugees in Bangladesh.” Reuters, June 27, 2018,

²⁹“Why India is the home to millions of refugees but doesn't have a policy for them”, The Print, 27 Dec 2019.

competency to go beyond its borders and include community which are all persecuted. The exclusion of Jews and Baha'i justifies the exclusion of Ahmadiyya. The earlier illustration about claiming Hindu inclusion for legislation concerning Srilankan Tamils will not hold waters will also expound the legitimacy of Ahmediya exclusion.

The inclusion of Muslims in this Act is not possible because Islam is the only reliable criterion that the Act makes to classify the six communities from the three countries and ethically the non-Muslims who are subjected to Islamic laws are prosecuted not merely by the people of the country but by the constitution itself. Similarly, India can't give citizenship to all illegal migrants from these three countries since that would affect India's demography, especially in Assam. In a minority legislation majority community should be eliminated and any particular sect of such majority if deserves the benefit as being equally eligible like the minority, they can claim the legal benefit by principles of equality and can get the benefit through the governance of separate legislation, but it is not enough to make a law unconstitutional because of its exclusion.

Now exclusively about Muslim exclusion, it is to be proven before the law that such exclusion is under reasonable classification. The population of non-Muslims that drastically reduced in these countries makes it consider the mandatory nature of such legislation.³⁰ As observed in *V Shakila v. state of Delhi administration*³¹ "the court is entitled to take into consideration matters of common knowledge common report the history of times and all other facts which may be existing at the time of legislation". Exclusion of Muslims is to achieve the rational nexus of provision with its object. *The person invoking article 14 of the Constitution must show that there has been discrimination against a person who is similarly situated or equally circumstanced.* Any community is a minority or majority in India excluded by this legislation who forms minority in the mentioned countries only can invoke the said Art 14. As per '*Kangsari Halder and others*

³⁰Farahnaz Ispahani *Cleansing Pakistan Of Minorities*, Hudson Institute, 31st July 2013.

³¹*V.V Shakula v. State of Delhi Administration*, 1980 AIR 1382, 1980 SCR(3) 500.

*v. The state of West Bengal*³²; it was observed, “no doubt Article 14 prohibits class legislation but it does not prohibit the legislature from legislating based on reasonable classification”. The classification of a group of employees who had officiated in a particular capacity as a different class treating them differently from others who had not got the opportunity of two functions was held correct application of intelligible differentia.³³

What article 14 prohibits is ‘**hostile discrimination**’³⁴ and not reasonable classification for legislation. This legislation no way discriminates Indian Muslims since they are not even considered in this act. It distinguishes illegal migrants who are non-Muslims from the Muslim illegal migrants from these three countries to attend the object of protecting religious minority persecuted in the mentioned countries.

5) THE ASSAM AND CAA;

The problem of Assam with this act is completely different than that with other parts of the country. Protests broke out in many parts of Assam stating that the act is in contravention to the aim of preventing Assam from illegal migrants and infiltrators. But it has not got into any such contravention. As per section 6A of Citizenship Act 1955, it is provided special provisions to a person covered by Assam Accord but none of the provision of CAA has amended any subsections under the provision of 6A.³⁵ Instead, the provisions of granting citizenship under CAA are inserted after 6A as 6B and it is acceptable that none of the provisions of section 6A is disturbed.

³²*Kangsari Halder & Ors v. the State Of W.B.*, 1960 AIR 457, 1960 SCR(2) 646. See also; '*Saurabh Chaudhry & Ors v. Union Of India.* AIR 2004 SC 2212, 2004 (3) AWC 2637.

³³ *State of U.P & Ors. v. Ram Gopal Shukla.*, 1981 AIR 1041, 1981 SCR(3) 460. See also; '*M.P Rural Agriculture Extension v. State of M.P & Ors.*, 'Appeal(CS) 3134 of 1999. See also '*State of A.P & Ors. v. G. Sreenivasa Rao & Ors.*' 1989 SCR (1) 1000, 1989 SCC (2) 290.

³⁴ *Ramesh Prasad Singh v. State of Bihar and Ors.* 1978 AIR 324, 1978 SCR(1)787

³⁵ Sec 6A- Special Provisions to Person Covered By Assam Accord, Citizenship Act, 1955.

Moreover for the implementation of this act special rules are sort by CM of Assam Sarbananda Sonowal to the Ministry of Home Affairs.³⁶To prevent the Act from infringing the ambitions of Assam accord it is decided that the applicants from Assam are likely to be asked to furnish proof of their religion and date of entry into India. Many parts of Assam has come under "INNER PERMIT LIMIT". Other issues can be compromised with separate legislation and provisions which are only applicable to Assam, which the Assam accord permits. The Home Ministry has said it has accepted Assam government's proposal to have a three-month Window for receiving applications under CAA and not to keep it open-ended.³⁷Since Assam is the only state in which NRC has been processed twice in 1951 and 2019 update there is likely to bring special provisions in CAA rules to make its way peculiar. The law enacted for a whole country cannot be held unconstitutional only because it violates an accord for a particular state.

6) CONCLUSION

The Intelligence Bureau (IB) pointed out that the rule by the Act would involve "strict antecedent verification processes any to make sure that undesirable elements do not take advantage of these provisions". It's further contented "*for others to apply for Indian citizenship under this category they will have to prove that they came to India due to religious prosecution. if they had not declared so at the time of their arrival in India it would be difficult for them to make such claims now. Any future clean will be inquired into including through Research and Analysis Wing before a decision is taken*".³⁸ Moreover, the centre is very cautious on framing the rules making them better defensive for the constitutional validity over the Act.³⁹

³⁶ FistulaHebbar Assam specific CAA rules sought, The Hindu, Jan 10, 2020.

³⁷ Rahul Tripathi, "Assam's CAA applicants to get only three months", Economic Times" Jan 28, 2020.

³⁸ Rahul Tripathi, "The Government Stresses the IB report, simple paperwork in CAA, Economic Times, 31 Dec 2019.

³⁹ Vijaya Singh, "Government treads cautiously on framing rules for CAA rollout." The Hindu, Jan 3, 2020.

The Intelligence Bureau report disclosed that the immediate potential beneficiaries of the Act will be 31,313 people, with Hindus 25,447, Sikhs 5807, Christians 55, Buddhist 2 and 2 Parsi.⁴⁰

The Act cannot make anyone stateless per se. Finally, 154 prominent citizens including former judges, bureaucrats, army forces and academicians wrote to the president that false and motivated campaign being launched against CAA NPR and NRC with design to harm the nation. The citizens including 11 former judges of High Court, 24 retired IAS officers, 11 former Indian Foreign Service officers, 16 retired IPS, and 18 former lieutenant generals, had contended that there had been a false and nefarious narrative about the recently enacted CAA and the ideas of NPR and NRC.⁴¹

Thus the protests all over the country are politically motivated, shows people have been misled in person, and to show a sense of solidarity to the government. Legislation cannot become unconstitutional only because it has resulted in mass protest and this Act will prove its constitutional validity and will not make anyone stateless. Lex Supremus.



⁴⁰ Rasheed Kappan, "The Citizenship Act will only benefit 31,313 and not lakh." Deccan Herald, Mar30, 2020.

⁴¹ Press Trust Of India, "154 Prominent Citizens back CAA, NRC say, protests are motivated." The Hindu, 18 Feb 2020.