



Citizenship Amendment Act 2019 and Issues Of North-Eastern States

Chetan Kumar
Research Scholar

Department of Political Science, Patna University, Patna

Dr. Pushpalata Kumari,
Department of Political Science, Magadh Mahila College, Patna University, Patna

ABSTRACT

Citizenship has become a topic of discussion since the proclamation of the Citizenship Amendment Bill in 2016. The enactment of the Citizenship Amendment Bill into the Citizenship Amendment Act in 2019 raised massive nationwide protests, particularly in the North-Eastern states of India. India is a country committed to the principles of human rights, democratic values, and minority rights. North-Eastern regions are homes of over 230 indigenous peoples. There are eight states which together form the North-Eastern regions and are known as seven sisters and one brother. These states share a border with Myanmar, Bangladesh, China & Bhutan. The region has a history of illegal migrants. Due to the continuous influence of migrants, the demography of the North-Eastern is changing. The legal changes in the citizenship provision by the Citizenship Amendment Act of 2019 have generated fear among the indigenous people about losing their homeland. The primary endeavour of this paper is to examine the provisions of the Citizenship Amendment Act 2019 and to illuminate the grievances of North-Eastern that they have from the Act. Throughout the paper, an effort would be made to understand the government's steps in addressing the grievances of the North-Eastern population.

Keywords - Citizenship Amendment Act 2019, Indigenous People, North-East, Minority

Rights.

INTRODUCTION

Citizenship is an important aspect of the state. Citizenship implies a member of the state. It is a legal relationship between individuals and the state. The state provides protection and certain rights and in return citizens owe allegiance to the state. The nature of rights granted to citizens may vary from state to state but, in general, the right to vote, civil rights, socio-economic rights, right to education, etc. are some of the rights that every state grants to its citizens. In a broader sense, citizenship is more than a relationship between states and their members. It also means citizen-citizen relations and certain obligations of citizens to each other, and society. Citizenship is important for an individual as it accords the status of being a political member of the state and this recognition made a particular person eligible for enjoying certain rights and to avail governmental facilities. Citizenship provides them with a political identity through which they identify themselves as Indians, Americans, Chinese, and Japanese depending on the state to which they belong. The idea of citizenship is linked with the towns and city-state of ancient Greece. Aristotle, the father of Political science, in his book III of 'Politics', determined the requirements that an individual should possess to become a citizen of Greece. In Ancient Greece, the rights of citizenship were given to those who participate in the administrative, legislative, and judicial functions of the state. Women, slaves, children, laborers, and old age person were excluded from the rights of citizenship. In the modern age, the concept of citizenship is explained based on the equality principle. It means every member of the state should be given equal rights, facilities, and protection. Countries based on their histories, cultures, and ideologies formulated guidelines for granting citizenship to individuals. For example, in USA and China, a person can acquire citizenship based on birthrights or naturalization. The UK grants citizenship based on residency. India has also evolved its citizenship provisions. Before independence, the Indians were ruled by the British Empire and were known as British-protected persons. Their citizenship was governed by the British Nationality and Status of Aliens Act 1914. India got independence on 15th Aug 1947. The independence of India was accompanied by a partition into two independent dominions (i.e. Union of India and Federation of Pakistan) and a huge influx of refugees from both east and west Pakistan. Considering the situation, the leaders of the country, involved in drafting the Constitution of India decided to incorporate citizenship provision in the constitution. India drafted its Constitution in 1949 hence, till 1949 the independent Indian citizens were governed by the British Nationality Act 1948. The Constituent Assembly completed and adopted the draft of the Constitution on 26th

November 1949 with 395 Articles divided into 22 Parts and 8 Schedules. The Indian Constitution came into force on 26th January 1950 but the citizenship provisions were enforced on 26th Nov 1949.

CITIZENSHIP IN INDIA

India accorded the right of citizenship based on Jus Sanguinus (Citizenship by right of blood).

Part II (Article 5 to 11) of the Indian Constitution deals with citizenship.

Article 5: Citizenship at the commencement of the Constitution.

Article 6: Rights of Citizenship of person migrated to India from Pakistan.

Article 7: Right of Citizenship of migrants to Pakistan.

Article 8: Right of Citizenship of person of Indian origin residing outside India.

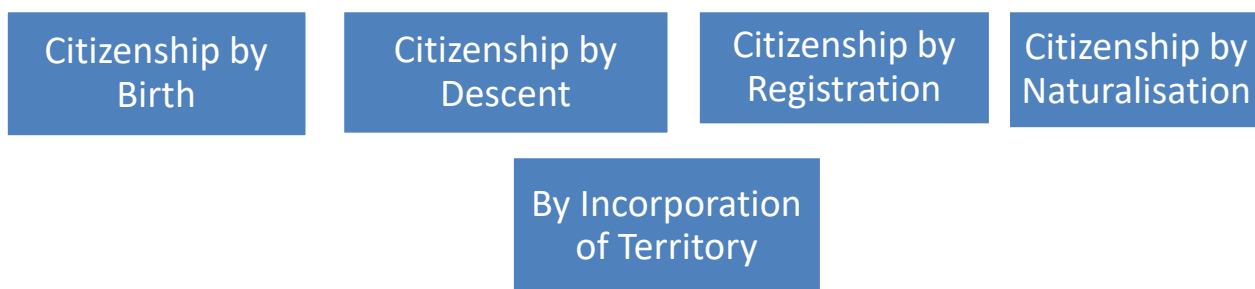
Article 9: Persons voluntarily acquiring citizenship of a foreign State are not to be citizens.

Article 10: Continuance of the rights of citizenship.

Article 11: Parliament to regulate the right of citizenship by law.

As Constitution under Article 11 vested power in the Parliament to make legislation related to citizenship, the Parliament passed a comprehensive law on citizenship in 1955 known as the ‘Citizenship Act 1955’. The Act of 1955 deals with the acquisition of citizenship, termination of Citizenship, and Supplement provision.

- The Act laid down five ways of acquiring citizenship:
 - I. Citizenship by Birth
 - II. Citizenship by Descent
 - III. Citizenship by Registration
 - IV. Citizenship by Naturalisation
 - V. Citizenship by Incorporation of territory



(Fig. 1)

- Three situations in which their citizenship can be terminated:

I. By renunciation

II. By termination

III. By deprivation

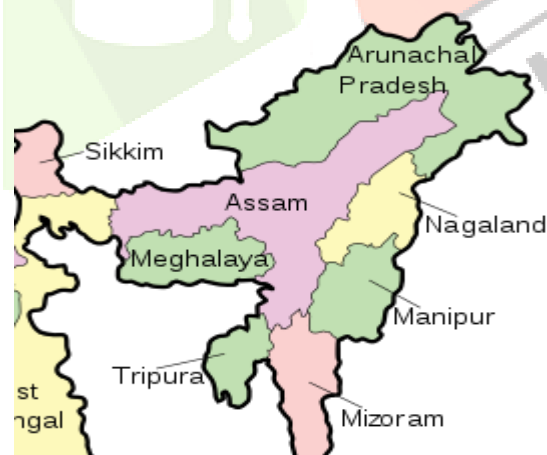


(Fig. 2)

Besides, the Act envisages single citizenship, Citizenship rights for OCI (Overseas Citizen of India), PIO (Person of Indian origin), and NRI (Non-Resident Indians).

The Citizenship Act 1955 has been amended by the Citizenship Amendment Acts of 1986, 1992, 2003, 2005, 2015, and 2019. But the Amendment made by the Citizenship Amendment Act, 2019 which aims to give Indian citizenship to illegal migrants of six different religions such as Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians from Afghanistan, Bangladesh, and Pakistan has raised massive protests across India. The Citizenship Amendment 2019 invited criticism from various sections of the country. Particularly, the North-Eastern state of India raised its voice against the Citizenship Amendment Act 2019.

NORTH EASTERN STATES AND CITIZENSHIP AMENDMENT ACT 2019



Source: <https://civilspedia.com/security-issues-in-north-east/>

Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura, and Sikkim constitute the North-Eastern states of India. These states are known for their cultural and historical uniqueness. The North-Eastern states have a history of illegal migration. Since the Pre-British period, the region has been the place for migrants from Tibet, Indo Gangetic India, Bangladesh, Myanmar, and Bhutan which continued till the

1990s. The large-scale influx of migrants resulted in poverty, a crisis of identity among the indigenous population, displacement of native workers, environmental degradation, etc. These situations gave rise to protests in many regions of the Northeast e.g. in Assam, Meghalaya, Nagaland, and Tripura. To restrict the entry of illegal outsiders, and to protect tribal cultures in the North-East the Indian Government imposed ILP (Inner Line Permit), introduced by the British Government in 1873. An Inner Line Permit is a special permit granted by the Indian Government to the citizens from other parts of India require to enter Arunachal Pradesh, Nagaland, and Mizoram. Apart from ILP, the Constitution under Sixth Schedule and Article 244(2) provides for the formation of autonomous divisions- Autonomous District Council (ADCs) that will have some legislative judicial, and administrative autonomy in Assam, Meghalaya, Tripura, and Mizoram. To deal with the Assam protestors, the government signed Assam Accord in 1985 which set the cut-off date of 1971. The Accord mentions that those who entered Assam on or before 1971 will be given Indian Citizenship while others would be deported. These all steps of government reduced tensions in Northeast states. But the enactment of CAA 2019 one's again fuelled the concern of the Northeast.

PROVISIONS OF THE AMENDMENT ACT, 2019

The Citizenship Amendment Bill (CAB) amended the Citizenship Act of 1955 and was first introduced in 2016. The bill was finally passed by both the Houses of Parliament on 10-11 Dec 2019. The Act became effective on 10th Jan 2020. The Citizenship Amendment Act 2019 seeks to make Hindus, Buddhists, Sikhs, Jain, Parsi, and Christian illegal migrants from Afghanistan, Bangladesh, and Pakistan eligible for Citizenship of Indians. The Act said that if these six communities from Afghanistan, Bangladesh, and Pakistan migrated to India on or before December 31, 2014, shall not be treated as illegal migrants. The act further reduces the period of naturalization for those communities from 11 to 5 years.

ISSUES IN NORTHEAST INDIA

Northeast India has been always concerned about its culture, and identity. The apprehensions of Northeast people are as follows:

a) Increase in Immigrants:

The ratification of the Citizenship Amendment Act 2019 has raised concern regarding the increase in the flow of immigrants. The legalization of citizenship in these six communities would reduce the indigenous population in minorities, dilute their tradition and cultures, and cause loss of livelihood opportunities.

b) Contradicts Assam Accord 1985:

Concerning Assam, the Act is purely contradictory to Assam Accord. The Assam Accord signed between Rajiv Gandhi and AASU (All Assam Students Union) in 1985 fixed March 24, 1971, as the cutoff date for granting citizenship to illegal migrants but contrary to it the Citizenship Amendment Act 2019 has fixed a cutoff date on Dec 31, 2014. This has generated apprehensions among the Assamese-speaking people.

c) Economic Problems:

The legitimization of illegal migrants will cause economic pressure in the Northeast Region, since the illegal migrants will be granted citizenship in India there will be a rise in job demands by these migrants that can lower the job opportunities for the indigenous and the locals.

d) Political Problems:

The Citizenship Amendment Act 2019 has raised questions over the political rights of the people of the state. It is apprehended that these illegal migrants who will become legitimate citizens might determine the political future of the state.

GOVERNMENT RESPONSE TO THE ISSUES OF NORTH-EAST

Following the apprehensions of the Northeast people, the Government clarified its stand on the Citizenship Amendment Act 2019. It has been held that no such provisions have been enshrined in the Act of 2019 that dilute the traditional rights of the Northeast people. The traditional rights of the locals will be protected by the Government. Secondly, the Citizenship Amendment Act 2019 will not influence the demography and land holding laws of the regions, the residents will continue to enjoy their rights over their land. Thirdly, the tribal areas of Assam, Meghalaya, Mizoram, and Tripura as included in the 6th schedule of the Constitution, and the areas that are covered under the 'The Inner Line Permit System' are excluded from the ambit of the Citizenship Amendment Act 2019. Fourthly, for Assam, the Government held that Citizenship Amendment Act 2019 will uphold the sanctity of the Assam Accord. The Amendment Act 2019 will apply to the whole of India and has not been particularly enacted for Assam.

CONCLUSION

The parliament has exclusive power to make laws regarding citizenship, however perceiving the situation in Northeast India, the onus falls on the Guardian of the Constitution, that is, on the Supreme Court to interpret the provisions of the Act and assess its Constitutionality, that whether the Act upholds the principle of equality and minority rights upon which the Indian Constitution is based. India has always come forward to protect the oppressed people in its neighborhood and the attempt of the Government to aid the persecuted religious minorities of Afghanistan, Pakistan, and Bangladesh is commendable, but the Government should take care that the help should not be done at the cost of its people and their method must be in conformity with the spirit of the Constitution. Besides this, the Northeast people should use a more conducive method to convince the Government about the importance of the linguistic, cultural, and social identity of the people of the region that should be preserved.

REFERENCES

- 1) Anand, A. (2019, December 03) why North-East shouldn't be wary of Citizenship Amendment Bill/opinion. Retrieved from <https://www.hindustantimes.com/editorials/why-north-east-shouldn-t-be-wary-of-citizenship-amendment-bill-opinion/story-JPYTnQROli9cdXACK3K7KO.html>
- 2) Bellamy, R. (2015), Citizenship: Historical Development. Retrieved from https://cadmu.eui.eu/bitstream/handle/1814/35878/Bellamy_citizenship_history.pdf.
- 3) Saha, A. (2019, December 11). Explained where the citizenship (Amendment) Bill does not apply Retrieved from <https://indianexpress.com/article/explained/where-the-citizenship-amendment-bill-does-not-apply-Parliament-6157094>.
- 4) (2013, March 10), Part II of Constitution of India (CITIZENSHIP). Retrieved from <https://www.gktoday.in/topic/part-ii-of-consitution-of-india-citizenhsip>
- 5) (2019, February 5). Migrants issue of North East. A historical Perspective. Retrieved from <https://journalsofindia.com/migransts-issue-of-north-east-a-historical-perspective/>
- 6) (2019, May10). North East Insurgency. Retrieved from <https://www.drishtiiias.com/to-the-points/paper3/north-east-insurgency>
- 7) (2019, December 14). Citizenship (Amendment) Act (CAA) 2019: The conflict Between Humanity and Cultural Identity. Retrieved from <https://www.iasexpress.net/citizenship-amendment-bill-2019-upsc-ias/>

- 8) (2019, December 19). Citizenship Amendment Act, 2019. Retrieved from <https://www.drishtias.com/to-the-points/paper2/citizenship-amendment-act-2019>.
- 9) Citizenship and Participation. Retrieved from <https://www.coe.int/en/web/compass/citizenship-and-participation>.
- 10) Citizenship Amendment Act 2019 (CAA)-Bill Explained in Detail for UPSC. Retrieved from <https://byjus.com/free-ias-prep/citizenship-amendment-bill-2019/>.
- 11) Citizenship- NCERT. Retrieved from <https://ncert.nic.in/textbook/pdf/keps100.pdf>
- 12) (2022). Indian Nationality Law. Retrieved from https://en.m.wikipedia.org/wiki/Indian_nationalitylaw#:~:text=Any%20individual%20domiciled%20in%20India,prior%20to%20the%20Constitutions%20commencement

