



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2024

Editor-in-Chief – Prof. (Dr.) Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

The Impact of CAA: New Protocols, Features, and Implementation

New Protocols:

As per the new guidelines of the CAA, individuals from minority groups experiencing religious persecution in Pakistan, Bangladesh, and Afghanistan will have the opportunity to acquire Indian citizenship. Additionally, the policy will provide citizenship to individuals from Hindu, Sikh, Jain, Christian, Buddhist, and Parsi communities in Pakistan, Bangladesh, and Afghanistan who had relocated to India on or before December 31, 2014.¹

Eligibility criteria:

1. Individuals eligible to apply for citizenship must be nationals of Pakistan, Afghanistan, or Bangladesh.
2. Eligible individuals belong to minority communities such as Hindu, Sikh, Jain, Buddhist, Parsi, or Christian in their respective countries.
3. Applicants must have entered India on or before December 31, 2014.
4. Persons of Indian origin who have been residing in India for at least seven years before applying for registration are eligible. Individuals are considered of Indian origin if they or

¹ What is CAA? All you need to know about the citizenship amendment act (2024) Hindustan Times. Available at: <https://www.hindustantimes.com/india-news/explained-what-is-the-citizenship-amendment-act-caa-101710156229224.html> (Accessed: 07 April 2024).

their parents were born in undivided India or a territory that became part of India after August 15, 1947.

5. Any person who has lived in India continuously for 12 months immediately prior to applying for registration or has been in the country for at least 6 years in the 8 years preceding the 12-month period is eligible.
6. The applicant must have sufficient knowledge of a language listed in the Eighth Schedule of the Constitution.

Documents required:

Applicants applying for citizenship through naturalization are required to submit Form VIII A along with an affidavit confirming the accuracy of the information provided and vouching for the applicant's character as an Indian citizen. Moreover, individuals must also state their proficiency in one of the languages listed in the Eighth Schedule to the Constitution of India.

As per the regulations set by the CAA, a birth or educational institution certificate, any form of "identity document," a license or certificate, land or tenancy records, or any other official document issued by the respective countries that confirms the applicant's citizenship will be considered valid proof. Additionally, any document indicating that the applicant's parents, grandparents, or great grandparents were citizens of one of the three countries is also deemed acceptable.

The candidate must submit one of the 20 specified documents, including Aadhar, PAN card, electricity bill, or marriage certificate, as proof of entry into India prior to December 31, 2014. The Ministry of Home Affairs (MHA) has not provided details regarding the type of institution responsible for certifying an applicant's religion.

It is crucial to note that these documents will remain admissible even after their expiration date. Reports suggest that these documents can also be utilized to determine the religion of the applicant.²

Exempted areas:

The law exempts the tribal areas of Assam, Meghalaya, Mizoram, and Tripura as included in the Sixth Schedule of the Constitution, including the tribal areas of Karbi Anglong in Assam, Garo Hills in Meghalaya, Chakma district in Mizoram, and Tribal Areas district in Tripura.

Features and Benefits:

On March 11th, the Ministry of Home Affairs (MHA) issued a notification regarding the citizenship amendment rules of 2024. This notification paved the way for the enforcement of the citizenship act (amendment) that was approved by the parliament on December 12, 2019. Notably, this amendment marks a significant change as it introduces the provision of granting citizenship based on religion for the first time.

The Citizenship Amendment Act, 1955, was modified to include two significant alterations in order to grant citizenship to undocumented migrants from six specific non-Muslim communities. These communities include Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians from Afghanistan, Bangladesh, and Pakistan. The amendment specifies that these migrants must have entered India on or before December 31, 2014. Additionally, the amendment reduces the required period of residency to qualify for citizenship from the previous 11 years to 5 years.

² Jaiswal, A. (2024) CAA rules notified: Check eligibility criterion, procedure, step-by-step guide to apply online, English. Available at: <https://www.indiatvnews.com/news/india/caa-rules-notified-check-eligibility-criterion-procedure-step-by-step-guide-to-apply-online-latest-updates-2024-03-12-921068> (Accessed: 07 April 2024).

Challenges related to CAA:

A significant protest was observed nationwide against the enforcement of the new amended regulations of the CAA.

Critics argue that the CAA violates Article 14 of the Indian Constitution, which ensures equality before the law and prohibits discrimination based on religion. The provision granting citizenship based on religion in the CAA is viewed as discriminatory.

The CAA is often associated with the NRC, a proposed nationwide initiative to identify illegal immigrants. Critics are concerned that a combination of the CAA and a flawed NRC could disenfranchise many citizens who are unable to provide proper documentation.

Over 19.06 lakh individuals were excluded from the final draft of the Assam NRC released in August 2019.

In Assam, there are specific worries about the compatibility of the CAA with the Assam Accord of 1985. The Accord established criteria for determining citizenship in Assam, including specific residency cut-off dates. The differing timeline for granting citizenship in the CAA could potentially clash with the provisions of the Assam Accord, resulting in legal and political complexities.³

Conclusion:

The emphasis placed by the CAA on religion as a determining factor for citizenship eligibility has sparked wider apprehensions regarding its influence on secularism and social unity in India. However, it is important to acknowledge that this policy can bring advantages to numerous individuals, as it encompasses both positive and negative consequences for the nation.

³ Vishwanath, A. (2024) CAA: Issues in the legal challenge to the law, The Indian Express. Available at: <https://indianexpress.com/article/explained/explained-law/caa-issues-in-the-legal-challenge-to-the-law-9208839/> (Accessed: 07 April 2024).

