

The Citizenship Act: A Questionable Amendment

“An Act to provide for the acquisition and determination of Indian Citizenship”
- The Citizenship Act, 1955

In 1955, the Citizenship Act was passed as an essential piece of Indian legislation. The original act was based on *jus sanguinis* and *jus soli*: birthright citizenship, and hereditary citizenship. Both of these are commonplace in countries, however, the Citizenship act did establish laws regarding citizenship by registration, and by naturalization, and practically helped specify the grounds for an immigrant or a newborn to apply and receive Indian citizenship. As is with the normal process of legislation, amendments are an ordinary process to add or remove certain parts of the act. Over time, the Citizenship Act has been amended six times: 1986, 1992, 2003, 2005, 2015, and 2019, and through this article, the 2019 amendment, and all the backlash that it has received, will be focused on.

Throughout the original 1955 Citizenship Act, there are plenty of mentions and references imposed on illegal migrants. For example, in terms of *jus sanguinis* and *jus soli*, a child cannot be given Indian citizenship when one of their parents is Indian if their other parent is an illegal migrant. This isn't the only mention, however, and so the Citizenship Act does specifically mention in what cases illegal migrants can or cannot receive citizenship. This is where The Citizenship Amendment Act of 2019 comes into action.

The amendment adds a subclause in Section 2 of the original Citizenship Act, labeled “Interpretation”. This helps the reader understand, and gives any additional context to the act as a whole. The addition was:

“Referring to [Illegal Migrants] any person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan, who entered into India on or before the 31st day of December, 2014... shall not be treated as an illegal migrant for the purposes of this Act”

- The Ministry Of Law and Defense, in “The Citizenship (Amendment) Act, 2019”.

On the surface, this does seem like a relatively harmless amendment, promoting inclusion within the people of India, as well as the previously Illegal migrants of several different religions. It would mean that any people following the religions mentioned above would not be considered as Illegal migrants, therefore making them eligible to become Indian citizens. Since this is meant to help, this amendment would benefit many people that are escaping persecution from the neighboring countries of Afghanistan, Bangladesh, and Pakistan. In the long term, this would integrate the people's children into Indian society, following the Citizenship Act.

The one thing that immediately became clear to the country, and the entire world, was the purposeful exclusion of Muslims in the list of religions that would not be considered as Illegal migrants. Since the amendment would help people from those religions to become Indian citizens and integrate their religions into society as well, this was seen as clear and evident ostracism of people based on their religion, which is the most dangerous and contentious part of it all. People believe that it sets a dangerous precedent, especially since this is the first time in Indian history that there has been a clear religious requirement for citizenship.

The United Nations Human Rights Office has outright called the amendment "fundamentally discriminatory" and a large number of protests have been happening all around the country ever since the amendment was proposed. The BJP (Bharatiya Janata Party) had already made promises about the acceptance of other persecuted people from surrounding countries, and the amendment was introduced by the President of the BJP, Amit Shah, who has now taken the role as the Minister of Home Affairs. With the Prime Minister, Narendra Modi, being part of the BJP, as well as having a majority in both the lower and upper house of the Parliament in India, the amendment was passed initially on the 10th of December but was properly in effect on the 10th of January 2020.

The nation-wide protests have led to at least 27 deaths and 175 injuries. Not only have the protests been raging in India, but small groups of Indians have gathered all over the world to protest the amendment. Realistically, it's not up to myself to tell you if the amendment was justified or not, but what I look forward to is what comes now. Will the amendment be withdrawn, or will protests just eventually cease?