

UNDOING HARMS: ABOUT CRITICISM ON CITIZENSHIP AMENDMENT ACT

Relevant for: Indian Polity | Topic: Indian Constitution - Features & Significant Provisions related to The Preamble, Union & its Territories and The Citizenship

As the Centre tries to fend off criticism that its [Citizenship \(Amendment\) Act](#) excludes Muslims from its beneficial provisions and quell strident protests, it must look for ways to undo the incalculable harm caused by fears set off by the law. Indications that it is open to suggestions on the rules to implement the CAA are welcome. However, these should not be confined to the proposed rules. The government must heed the call for meaningful changes that would dispel fears gripping the country, especially minorities. The stated objective is the fast-tracking of applications from minorities from three Muslim-majority neighbourhood countries for citizenship by naturalisation. Can't this be achieved without violating the Constitution or its secular ideals? A first step would be to further amend the Act, even by an ordinance, to drop its religion-specific wording, and make it explicit that the benefit would be open to all undocumented migrants who can prove persecution in their home countries. For allowing a Hindu, Sikh, Christian, Jain, Buddhist or Parsi to apply for citizenship after staying in the country for six years, there is no need to bar Muslims from making a similar claim. It is only an enabling law and does not oblige the government to grant citizenship to anyone. And Muslims and atheists have been persecuted in these and other countries by authorities and dominant sections.

Regarding others such as Sri Lankan refugees, the legal bar on their applying for citizenship stands out. A 2004 amendment to the citizenship law introduced a clause that 'illegal migrants' will not be eligible to apply for citizenship. The definition of 'illegal migrants' as those who arrived without valid travel documents includes refugees. A provision of the present CAA is to remove this 'illegal' tag from non-Muslim minorities from Bangladesh, Afghanistan and Pakistan. Dropping the reference to 'illegal migrants' will automatically enable any refugee to apply for citizenship, subject to the residential requirement. Therefore, a general enabling provision to allow a relaxation of the minimum residency requirement will serve the purpose of considering citizenship to any persecuted people. This would be non-discriminatory, without obligation to grant citizenship. Finally, India should enact a refugee law wherein the right to live a life without fear or confinement can be protected. If the fear is that people may seek permanent asylum, the UNHCR can work with them officially for their voluntary repatriation, and without rendering long-term refugees ineligible for applying for citizenship. Finally, the government must end the process once the National Population Register is updated. It must give up the notion of a citizenship register. No good will come out of setting off a clamour for inclusion and panic over possible exclusion. That is a pain Indians of all persuasions can do without.

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