

Is Citizenship Amendment Act, 2019 Blow the Basic Structure of the Constitution of India?

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ABSTRACT:

The purpose of writing this paper is to introduce Citizenship Act, 2019 and to explain, if it blows the basic structure of the constitution of India. In the present scenario, numbers of people are protesting against the Act, by relating it with religion and illustrating as anti-secular, that is only lack of information and influenced state of mind. However, this amendment Act is completely different from what people are assuming. Hence the bill seeks to the citizenship Act, 1955 in order to grant Indian nationality to Hindu, Sikhs, Buddhist, Jain, Parsis and Christian who come to India after facing religious persecution in Bangladesh, Pakistan and Afghanistan. The first section of paper describes the explanation of amendment and its act. Furthermost it encompasses all the act released in the session related to citizenship. The reason of arising issues during this act is also briefly discussed and this paper also explains the debate occurs around secularism and citizenship. This composition involves the notification related to the National Register citizenship and elucidates all possible aspects of NRC.

Keywords- Constitution, Citizenship, Amendment and Communities.

I. INTRODUCTION

The Union cabinet has cleared the citizenship (Amendment) Bill that seeks to grant citizenship to non-Muslim refugees from Pakistan, Bangladesh and Afghanistan if they faced religious persecution there. The Bill seeks to amend the citizenship Act, 1955 in order to grant Indian nationality to Hindu, Sikhs, Buddhist, Jain, Parsis and Christian who come to India after facing religious persecution in Bangladesh, Pakistan and Afghanistan. Over the past weeks, the home minister has held marathon talks with leader and stakeholder. A large section of people and organization in the northeast, have opposed the bill congress, Trinmool congress communist party of India and a few other political parties have been steadfastly opposing the bill, claiming that citizenship can't be given on the basis of religion The act to amend the citizenship Act 1955. The citizenship Amendment Act 2019 does not blow the basic structure of constitution of constitution of India because **Article 15 (3) (4)** of the constitution talks about the power of legislature to create special provision for women and children, shall not prevent the state from making any special and educationally backward classes of citizens or for the schedule cast and schedule tribes. This act does not seize citizenship of Indian citizens.

This amendment allows the people of these 6 communities to get citizenship in our country. In 1955 Act illegal migrant who does not have valid passport or expire passport holder to still live in the country called as illegal immigrant. This paper also include the act of nationality according to amendment of 2019 naturalization will be acceptable on the note of 5 years continuous residency. The Citizenship Act 1955 Amend in 2016 which passed by Lok Sabha but lapsed when it was tabled in Rajyasabha. The citizenship Act 2019 comes into parliament

where they discussed about the history of Jawaharlal Nehru and Liaquat Ali Khan that they both signed an agreement in 1950 known as Delhi pact or Nehru-Liaquat pact. The pact talks about migration of people belonging to minority communities between the two countries in attack by the major communities in their own respective territories. During partition of 1947 Muslim population in India was minor and Muslim population in Pakistan, Afghanistan and Bangladesh was major but other population of Hindu, Sikh, Jain, etc. was comparatively minor. In present scenario Muslim population in India has raised comparatively and they are no more minors, but Hindu, Jain, Parsis etc. in Pakistan, Afghanistan, and Bangladesh are periodically decreased, on that note citizenship Amendment Act helps the Hindu, Sikh, Isai, Jain etc. of other countries by providing Nationality of India.

II. CITIZENSHIP

The word citizenship derives from Latin term “Civitas” which mean the social body of citizens. It may be defined as a lawful relationship of a person with a special state and by implementation duties like paying taxes, serving the army such as. Under Article 11 of the constitution provides parliament to regulate the citizenship by law. Notwithstanding, when the constitution adopted the part II of citizenship, **Article 5 to 11** dealing the provision under there.

In **Article 5** of the constitution said that “every person” who was born in the Indian territory of India; either whose parents were born in the territory of India; or an person who has been originally resided in the Indian territory for not less than five year immediately preceding such commencement, shall be citizen of India. In the case of **State of Maharashtra v Prabhakar Pandurang Sanzgiri**¹ the article grants citizenship to every person. The expression “every person” in Article 5 includes prisoners and a member of armed forces. In **Mohd. Reza Deebastani v. State of Bombay**², the court held that a person did not acquire Indian citizenship because he did not have a domicile in India. **Article 6** gives the right of citizenship of somewhat person who have transmigrate to India from the territory now associated in Pakistan shall be considered to be a citizen of India at the outset of this constitution.

Article 7 right of citizenship of definitive migrant to Pakistan is an exceptional provision for person who have migrated to Pakistan after 1 March 1947 but intermittent to India thereafter. In the case of **State of Bihar v Kumar Amar Singh**³, a woman born and domiciled in India, going to Pakistan after 1 March 1947, would lose her Indian citizenship under Article 7, even though her husband remained in India. As the rule of private international law that her domicile was the same as that of her husband. India could not render **Article 7**

¹ AIR 1966 SC 424: (1966) 1 SCR 702.

² AIR 1966 SC 1436: (1966) 3 SCR 441.

³ AIR 1955 SC 282: (1955) 1 SCR 1259.

nugatory as she did, in fact, migrate to Pakistan. **Article 8** of the constitution talk about the rights of citizenship to definitive person of Indian substantive inmate outside India cause of employment, education, and marriage.

Under **Article 9** of the constitution an individual who autocratically take citizenship of an external state will not be citizens of India. In the case of **State of Madhya Pradesh v Peer Mohd⁴**, Justice Gajendragadkar said that it is clear that the acquisition of citizenship of any foreign state to which the article refers is acquisition made prior to the commencement of the constitution. 'Has voluntarily acquired' can have no other meaning, and the application of **Article 9** is confide to the case of acquisition of citizenship of foreign sate, prior to the commencement of the constitution. In **State of Uttar Pradesh v Rehmatullah⁵**, where action is propose to be taken against persons residing in India but acquiring citizenship of foreign state, it is important that action should be first considered by the Central Government.

Article 10 of the Indian constitution gives the right of continuance of nationality excluding when it is explicitly taken away by law made by parliament. In **Ebrahimvazir Mavat v State of Bombay⁶**, Supreme Court held that section 7 was ultra virus of parliament because to allow the forcible removal of an Indian citizen from India would be tantamount to destroying the right of citizenship conferred by Part II of the constitution.

Under **Article 11** of the constitution permits parliament to make law relating to all matters relating to citizenship including acquisition and termination of citizenship. In implementation of its power it has legislated the citizenship Act, 1955 and by citizenship (Amendment) Act, 2003, it has made provision for dual citizenship of people of Indian origin, of 16 stated countries⁷.

⁴ AIR 1963 SC 645: 1963 Supp (1) SCR 429.

⁵ (1971) 2 SCC 113: AIR 1971 SC 1382.

⁶ AIR 1954 SC 229: 1954 SCR 933.

⁷ Article 5 states, Citizenship at the commencement of the constitution. At the commencement of this constitution person who has his domicile in the territory of India and-(a) who was born in the territory of India; or (b) either of whose parents was born in the territory of India; or (c) who has been ordinarily resident in the territory of India for not less than five years immediately preceding such commencement, shall be citizen of India.

Article 6 Rights of citizenship of certain persons who have migrated to India from Pakistan.-Notwithstanding anything in Article 5, a person who has migrated to the territory now include in Pakistan shall be deemed to be a citizen of India at the commencement of this constitution if-(a) he or either of his parent was born in India as defined in the government of India Act 1935(as originally enacted); and

(b) In the case where such person has so migrated before the nineteenth day of July 1948, he has been ordinarily resident in the territory of India since the date of his migration, or

In the case where such person has so migrated on or after the nineteenth day of July 1948, he has been registered as a citizen of India by an officer appointed in that behalf by the commencement of this constitution in the form and manner prescribed by that government: Provided that no person shall be so registered unless he has been resident in the Indian for at least six months immediately preceding the date of his application.

Article 7 Rights of citizenship of certain migrants to Pakistan.-Notwithstanding anything in Article 5 and 6, a person who has after the first day of /march 1947, migrated from the territory of India to the territory now include in Pakistan , shall not be deemed to be a citizen of India:

Provide that nothing in his article shall apply to a person who, after having so migrated to the territory now include in Pakistan, has returned to the territory of India under a permit for resettlement or permanent return issued by or under the authority of any law and every such person shall for the purpose of clause(b) of article 6 be deemed to have migrated to the territory of India after nineteenth day of July 1948.

III. CITIZENSHIP ACT 1955

Citizenship Act 1955 deals the provision of acquiring and control of Indian citizenship, which authorized by parliament in the sixth year of the republic of India. In this act illegal migrant means foreigner who has set foot in India without a valid passport or such other document which authority prescribed by under any law in that behalf; or with valid passport or other document or authority may be prescribed by under any law an account of but still therein after the permitted period of time. Under **section 7 A** Overseas citizens of India who is citizen of another country but was a citizen of India. Section 7 B deals the conferment of right on overseas citizenship in India. In the case of **Lal Babu Hussein v Electoral Registration Officer**⁸, whenever any authority is called upon to decide even for the limited purpose of another law, whether a person is or is not a citizen of India, the authority must carefully examine the question in context of the provision of constitution and Citizenship Act, 1955.

The citizenship (Amendment) act 1986 particularly deals with citizenship of the state of Assam. It describe that illegal emigrant to get citizenship require to be registered with Indian consulate in prescribed outlay. The citizenship (Amendment) act 1992 provides any individual born outside India is take into account as citizen of India by morality of citizenship by ancestry if either of parents was citizen at the time of birth. The citizenship (Amendment) Act of 2003 deputizes several provisions of overseas citizens about their registration right in India etc.

Citizenship (Amendment) Act 2005 wants to develop the scope of grant overseas citizenship of India to person emerges of all countries except Pakistan and Bangladesh. The motive of this act, an individual who born abroad a record ship or aircraft, or an unregistered ship or aircraft of the government of any country, shall be considered to have been born in the place in which the ship and aircraft was registered or record. The Modes which accession the citizenship by birth, by descent who born outside India shall be citizen of India, On or after 26th day of January, 1950, but before the 10th day of December 1992, if his father is citizen of India at the time

Article 8 Rights of citizenship of certain person outside India.-Notwithstanding anything in Article 5 , any person who or either of whose parents or any of any of whose grandparents was born in India as defined in the government of India Act, 1935, and who is ordinarily residing any country outside India as so defined shall be deemed to be a citizen of India if he has been registered as a citizen of India by the diplomatic or consular representative of India in the country where he is for the whether before or after the commencement of this constitution in the form and manner prescribed by the government of the dominion of India or the government of India.

Article 9 states persons voluntarily acquiring citizenship of a foreigner state not be citizens.- No person shall be a citizen of India by virtue of Article 5 or be deemed to be a citizen of India by virtue of Article 6 or Article 8, if he has voluntarily acquired the citizenship of any foreign state.

Article 10 states continuance of the right of citizenship.-Every person who is or is deemed to be a citizen of India under any of the foreign provisions of this part shall, subject to the provisions any law that may be made by parliament, continue to be such citizen.

Article 11 parliaments to regulate the right of citizenship by law.-Nothing in the foregoing provision of this part shall derogate from the power of parliament to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship.

⁸(1995) 3 SCC 1189: AIR 1995 SC 1189.

his birth registration where the person of Indian country who ordinarily resident in India for seven year before the application of registration; by naturalization where the applications invented by any individual of full age for the grant of certificate of naturalization to him, the central government may. If contented that the application is eligible for naturalization; or by registration. This act also described the losses of citizenship by asceticism, cessation or deprivation.

IV. CITIZENSHIP ACT 1955 AMEND IN 2016

Citizenship Act 1955 (Amendment) Bill 2016 which passed by Loksabha but oversight when it was tabled in Rajyasabha. This Bill amend the act which forbidden illegal migrant from obtain Indian citizenship. Under this bill illegal migrant who set foot into India without a valid passport or other travel document or stay after the permitted time. The bill amended the act to allow that Hindus, Sikhs, Buddhists, Jain, Parsis and Christian from Afghanistan, Bangladesh and Pakistan will not be treated as illegal emigrant. In order to serve, they must have also been immune from the Foreigners Act, 1946 record the entry and exit of foreigner in India, and passport Act 1920 by the central government to authorized foreigners to bear passport.

The bill also express, from the date of its validation, all legal proceeding of an illegal migrant will be closed. Citizenship by naturalization provides individual to register citizenship he has proper qualification such as the person must have stay in India or been in central government service for at least 12 months and 11 years of former 14 years. This Bill constitute from Afghanistan, Bangladesh and Pakistan, with certain Qualification. Such as eleven year requirement reduce to six years. In this Bill the cancelling of overseas registration on five purpose – registration by fraud, showing discontent to the constitution, interact with the enemy during war, essential in the regard of sovereignty of India, security of state or public good, or if within the five year of record the overseas citizenship has been convict to custody for two years or more.

V. CITIZENSHIP AMENDMENT ACT 2019

On 9th December 2109 the citizenship amendment bill has been passed by the Loksabha. The president of India Mr. Ram Nath Kovind signed Bill on 12th December 2019 that is why it has become as Act now. There are thousands of Hindu, Sikhs, Jains, Buddhist, Christian and Parsis who have entered India after facing Religious persecution in countries like Pakistan, Bangladesh and Afghanistan without any valid document. All the reports clearly say that there is threat persecution on the basis of what is supposed as an unfinished schema. These refugees have been facing complexity in getting long term visa or citizenship. Those Hindus who are persecuted due to religion has no other place to go excluding India. When this act referred to Nehru-Liaquat pact it's seems that both signed an agreement in Delhi in 1950. The pact talk about migration of people belonging to minor communities between the two countries in attack by the major communities in their own

respective territories during the partition of 1947 Muslim population in India was minor and Muslim population in Pakistan, Bangladesh and Afghanistan was major but the population of Hindu, Sikhs, Buddhist, Isai, Jain and Christian was competitively minor. In present scenario Muslim population in India has raised competitively and they are no more minors, but Hindus, Jain, Isai, Buddhist, Sikhs, and Christian in Pakistan, Bangladesh and Afghanistan are periodically /decrease. On that comparison between Amendments help the Hindus, Sikhs, Isai, Jains, Parsis and Christian.

According this Act these six communities from these three countries are not illegal migrant and change the definition of illegal migrant which define under citizenship Act 1955. 31st December is cut-off date for citizenship, which means the candidate should have entered into India on or before this date. The intruders are supposed to those who were “compulsively to take refuge in India due to persecution on the ground their religion” in their connate country. Under the citizenship act 2019 gives accommodation to overseas citizenship cardholder to travel in India, work and study in the country. The citizenship Amendment Act can be cancelled if the overseas citizenship has contravened any law that is enforcing in the country. For acquiring citizenship under this act person shall be comprehend to be cancelled to be citizen of India from the date of their entry (on or before 31 December 2014) into India and all legal proceeding against illegal migrants related to their illegal migration these six communities Hindu, Jain, Buddhist, Isai, Parsis and Christian from Pakistan, Bangladesh and Pakistan will be closed. Citizenship Amendment Act 2019 would reduce the period to 5 years from 6 year.

The Act elucidate the amendment on citizenship to the particularize class of illegal emigrants will not apply to definite area: The tribal area of Assam, Meghalaya, Mizoram and Tripura a contain in the Sixth Schedule to the constitution. These tribal areas include Karbi (in Assam), Garo Hill (in Meghalaya), and Chekam district (in Mizoram). It will also not affect to the area under the” inner line” in the Bengal Eastern Frontier Regulation, 1873. The inner lines permit regulates visit of Indian to Arunachal Pradesh, Mizoram and Nagaland. Article 14 of the constitution guarantees equality to all person, citizens and foreigners, differentiating between people on the grounds of religion would be in violation of the constitution. The act not only provides citizenship rights to such immigrants, but greatly relaxes the procedure to avail them. The citizenship Act also fall on the tenets of international refugees law. Although India is not a participant to the 1957 United Nation refugee convention, granting refuge based on humanization considerations is arguably a harm of customary international law. Muslim are significantly discriminated against and oppressed in the neighboring countries of China, Sri Lanka and Myanmar. The 36,000 Rohingya Muslims from Myanmar who fled to India in the wake of 2015 insurgency is just one such example. Rohingya Muslim feeling persecutions in Myanmar are not affording such generosity. The only way for them to exist in India is by obtaining an official visa and refugee status.

The legislation act has polarized the northeast and triggered a process of social and political relocation most disquietingly; it threatens to expose the fault lines that had led to the rise of sub nationalist politics in the region in the 1980s. There are an expected 20 million illegal Bangladeshi emigrants in Assam and they have inalienably altered the demography of the state, besides putting a severe injure on the state’s resources and economy. Mizoram fears Buddhist chakams and Hindu Hajongs from Bangladesh may take advantage of the; Meghalaya and Nagaland are apprehensive of migrants of Bengali stock; Manipur wants the inner line permit system to stop outsiders from entering the state. On 10th January 2020, the central government announced that the Citizenship (Amendment) Act come into force. In exercise of the powers conferred by sub section (2) of the section 1 of the citizenship (Amendment) Act, 2019 (47 of 201), the central government nearby appoints the 10th day of January 11, 2020, as the date on which the earlier of the said Act shall be come into force.

VI. COMPARISON BETWEEN AMENDMENT BILL 2016 (LOKSABHA) AND CITIZENSHIP AMENDMENT ACT 2019

Citizenship Amendment Bill, 2016 (Loksabha)	Citizenship Amendment Act, 2019
<p>Qualification for citizenship for definite illegal emigrants: The Bill forbid illegal emigrant from obtain Indian citizenship. Illegal migrants are outsider who entered /India without a valid passport or travel document, remain therein beyond the permitted time.</p> <p>The Bill amended the act to allow that Hindu, Sikhs, Jain, Isai, Buddhist, Parsis and Christian from Bangladesh, Pakistan and Afghanistan will not be treated as illegal migrant. In order to serve, they must have also been immune from foreigners Act 1946 record the entry and exit of foreigner in India, and passport act 1920 by the central government to authorized foreigners to bear passport.</p>	<p>The Act added provision on citizenship to illegal emigrants belonging to Hindu, Jain, Sikh, Isai, Buddhist, Parsis and Christian from Pakistan, Bangladesh and Afghanistan.</p> <p>Termination of acquiring citizenship the Act provide citizenship (1) such person considered to be a citizens of India from the date of their entered into India, and (2) all legal proceeding against them in respect of their illegal emigrant will be closed.</p>

Citizenship by naturalization: The Bill provide a person to apply citizenship by naturalization where the person has proper qualification such as the person must have stay in India or been central government service for at least 12 months and 11 years of the former 14 years. Such as 11 year requirement be reduce 6 year.

This was a Bill which passed by Loksabha and oversight by Rajyasabha.

The Act reduces the period of naturalization for Hindu, Jain, Sikh, Buddhist, Parsis, and Christian from six year to five year.

This Act which passed by the parliament of and signed by the president of India.

VII. ISSUES ARISING IN CITIZENSHIP AMENDMENT ACT 2019

Primarily this Act is averse because it does not give citizenship to illegal migrant of Muslims community from Pakistan, Bangladesh and Afghanistan. The reason behind it that these three countries have their state religion.

Another issue behind its criticism is that it infringe the provision of Article 14 of the Constitution of India, Which Talks about “Equal Protection of law” Which has been taken from Section 1 of the 14th Amendment act of the constitution of the United State to give special treatment to person in difference situation in order to organize equality amongst all.

The third issue is why only Religion persecution not cast, race, language, sex, color etc. Assam has a major problem regarding infiltration of Bangladesh illegal emigrant; this Act does not consider Bangladeshi Hindu as illegal migrant.

VIII. CITIZENSHIP AMENDMENT ACT 2019 AND SECULARISM

Secularism is coined as a state which is neutral to al religion. Secularism is not divided between religions. The word Secularism derived from Latin term “Saeculum” means “of a generation”. Secularism was described in **42 amendments in 1976** of the preamble to the constitution of India. Secularism is derived by Gandhi as “Sarva

Dharma Sambhava” which means equal treatment and respect for all religion. The Supreme Court in its various cases has interpreted the term secular. In **Kesavananda Bharti v State of Kerala**⁹, Khanna J, said that meant, “The state shall not discriminate against any citizen on the ground of religion only”. In the case of **S.R. Bommai v Union Of India**¹⁰ Supreme court held that the state can regulate the secular activities, which enacted by law.

Article 26 of Indian Constitution provides freedom to manage religious affair. This Article subject to public sequence, ethics and health, every devoted denomination or any section thereof shall have the right-

- a. to build and maintain institution for religious and welfare purpose;
- b. to direct its own circumstances in matter of religion;
- c. to own and obtain movable and immovable premises; and
- d. to conduct such premises in accordance with law.

Every person have right of freedom as to payment of taxes for promotion of any particular religion as in **Article 27**. This Article edict that no citizen would be obliged by the state to pay any taxes for advertise or conservation of particular religion or religious organization. In the case of **Hindu Religious Endowments v. Shri Lakhmindra Thirtha Swamiar of Sri Shirur Mutt**¹¹ held that since the object of the Madras Hindu religious and Charitable Endowment Act, 1951 is not to faster or preserve the Hindu religion but to see that religious trust and institution are properly administrated, Article 27 is not attracted.

Article 28 of Indian Constitution supplied freedom as to attendance of religious mandate or religious worship in certain educational organization completely maintained out of state funds. **Article 28(2)** states, nothing in (1) shall petition to an academic institution which is conducted by the state but has been constructed under any funding or trust which entail that religious instruction shall be transmit in such institution. Under **Article 28(3)** no person addressing any educational institution recognized by the state or collecting aid out of state funds shall be required to take part in any religious instruction that may be imparted in such organization or to be present in any religious worship that may be directed in such organization or in any property attached thereto except if such person or, if such person is a minor, his guardian has given his assent thereto¹².

⁹ (1973) 4 SCC 225: AIR 1973 SC 1461.

¹⁰ 1994 AIR 1918, 1994 SCC (3), 1, JT 1994 (2) 215, 1994 SCALE (2) 37

¹¹ AIR 1954 SC 282, (vide AIR pp.296-97: SCR p. 1045)

¹² Article 25-freedom of conscience and free profession, practice and propagation of religion (1) subject to public order, morality and health and to the other provision of this part, all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion.

(2) Nothing in this article shall affect the operation of any existing law or prevent the state for making any law-

(a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;(b)providing for social welfare and reform or the throwing open of Hindu religious institution of a public character to all classes and sections of Hindus.

Where the citizenship Amendment Act 2019 offers citizenship to a enumerate list of non-Muslim emigrant living in Afghanistan, Pakistan and Bangladesh fear of “religious persecution”. India belonged to all, disregarding of religion. It was fertilization of citizenship that formed the bottom of our secular promise. For those belonging enumerate religious categories recognized in the Citizenship amendment Act, the Act will serve as protection device. The protests in Northeast are about concern of ethnicity, Culture, language and religion. While the protest is in Delhi, Aligarh mostly about religious identity and discriminatory prohibition of Muslims form the Citizenship Amendment Act. Secularism allowed India to both compradors its many identities and protects them, When Threatened. Secularism provides a pathway to peace. Secularism characterizes all religions are equal in the eyes of law and that the state shall not spread one particular religion: Prepare the base of society that arrange multiple identities and authorized them to concur in security and euphony.

Sixty five writ petitions have been filed in the Supreme Court claim the legal validity of Citizenship Amendment Act. The court has asked the Union Government to acknowledge by the second week of January. Article 14 of the Indian constitution gives equality before law, but there have been several Supreme Court Judgment which say that reasonable amendment can be applied to this equality.

IX. CITIZENSHIP AMENDMENT ACT, 2019 AND NATIONAL REGISTER OF CITIZENS

The NRC stands for National Register of Citizens. NRC is not related to any religious concept. NRC is different process and Citizenship Amendment Act is Different law. National register of citizen includes a proper documentation- Aadhar, passport, licenses, insurances, birth certificate etc. In NRC first had to produce documentation that their ascendant are belong to India and the cutoff date of NRC is 25th March 1971. It is first enacted by Rajiv Gandhi’s Government. As data sys 39% of population in Assam is not having proper documentation which is required for registration. NRC is applied because of some error during election and voting section. Section 14A of Citizenship Amendment Act, 2004 provides for issue of National identity cards to Indian Citizens and NRC under citizenship Act 2003 can be a deputize part of the National Population

Article 26 freedom to manage religious affairs-Subject to public order, morality and health, every religious denomination or any section thereof shall have the right-(a) to manage and maintain institution for religious and charitable purposes;(b) to manage its own affairs in matters of religion;(c) to own and acquiring movable property; and (d) to administer such property in accordance with law.

Article 27 freedom as to payment of taxes for promotion f any particular religion- No person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion denomination.

Article 28 freedom as to attendance at religious instruction or religious worship in certain educational institution –(1) No religious instruction shall be provided in any educational institution wholly maintained out of state funds.(2)Nothing in clause(1)shall apply to an educational institution which is administrated by the state but has been establish under any endowment or trust which requires that religious instruction shall be imparted in such institution.(3) No person attending any educational institution recognized by the state or receiving aid out of state funds shall be required to take part in any religious instruction that may be imparted in such institution or to attend any religious worship that may be conducted in such institution or in any premises attached thereto unless such person or, if such person is minor is a minor, his guardian has given his consent thereto.

Register. NPR is a process conducted on house listing basis collecting demographic and biometric data. For a person enrolled under Aadhar of the Unique Identification Authority of India need not give biometric data of NPR.

The government has elected to prepare a National population Register by September 2020 to lay the substance for rolling out a register across the country. In enactment of sub rule 4 of rule 3 of the citizenship Rules, 2003, the central government hereby resolves to formulate and update the population register and the field work for house to house record throughout the country excluding Assam for collection of information relating to all person who are usually residing within the dominion of local register shall be undertaken between the 1st day of April 2020 to 30th September 2020. It is being organized at the local sub-district, district, state and national level under provision of the Citizenship Act 1955 and the Citizenship Rule, 2003.

The NRC will be now update to contain the names of those individual who appear in the NRC, 1951, or in any one of the electoral rolls up to the midnight of 24th March, 1971 or in any one of the other permissible document issued up to mid night of 24th March, 1971, which would prove their existence in Assam or in any part of India on or before 24th March, 1971. All the names appearing in the NRC, 1951, or any of the electoral rolls up to performing in the midnight of the March 1971 together are called Legacy Data. Thus, there will be two obligations for inclusion in update NRC- Existence of a person name in the pre-1971 period and proving relationship with that person. Citizens shall have to submit Application Forms; Application forms acknowledged by Government shall be verified.

The Citizenship Amendment Act has come into force nationwide after it's approved from parliament, while the National Register of citizen's rules and actions for the country are yet to be decided. The NRC procedure is going on in Assam has been instigated by the Honorable Supreme court and directive by the Assam accord. There is no need for Indian citizens of any religion to worry about Citizenship Amendment Act 2019 or NRC. NRC has nothing to do with any religion at all. NRC is for every civilian of India. It is a citizen register, in which names of every will be recorded. NRC is merely a normal procedure to register your name in the citizens Register. Just like we present our identity card any other document for registering our names in the voter list similar document shall need to be provided for NRC, as and when it is passed out. Citizenship of any person is certain on the basis of Citizenship Rule, 2009. These rules are founded on the citizenship Act 1955. Citizenship by birth, by descent, by registration, by naturalization. Insinuation is an old problem in Assam. If a person is uneducated and does not have relevant document, the authority will allow that person to bring a witness. Also, other evidence and community verification will also be allowed and a proper method will be followed.

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The legislation act has polarized the northeast and triggered a process of social and political realignment most disquietingly; it threatens to expose the fault lines that had led to the rise of sub nationalist politics in the region in the 1980s. There are an estimated 20 million illegal Bangladeshi migrants in Assam and they have inalienably altered the demography of the state, besides putting a severe strain on the state’s resources and economy. Mizoram fears Buddhist chakams and Hindu Hajongs from Bangladesh may take advantage of the; Meghalaya and Nagaland are apprehensive of migrants of Bengali stock; Manipur wants the inner line permit system to stop outsiders from entering the state.

X. CONCLUSION

Hence proven that the amendment act of citizenship, 2019 does not blow the basic structure of Indian Constitution. It is just how India has to undertake a balancing act. India's citizenship provisions are delivered from the protection of the country as a secular republic. In fact it is a refutation of the two nation theory that proposed a Hindu- India and a Muslim Pakistan, Independent India accepted a constitution that rejected discrimination on the basis of religion and the birth of Bangladesh undermined the idea that religion could be the basis of a national community. This Act does not blow the basic structure of the constitution of India because the constitution provides the government to amend for the sovereignty and integrity of country. It's not anti-secular but provides the nationality to those individual who persecuted by the neighbored countries, and balance the civilization duties.