ABSTRACT

CITIZENSHIP (AMENDMENT) ACT, 2019: A CRITICAL ANALYSIS

*SINDHU SURESH[1]

Citizenship is an important aspect for every human being to enjoy the civil and political rights and to enable the social and economic benefits of the sovereign polis. Citizenship helps the people to enjoy their rights and a person without citizenship is termed to be a 'stateless person'. In India certain fundamental rights are conferred to citizens and non-citizens equally but, there are some restrictions imposed on the non-citizens; to attain these rights, one have to be citizen of the country, and to attain the same is through the norms provided by the particular country. Usually the citizenship is acquired by birth or if the parents belong to the particular country, or by marriage. In India, if any person fulfils the above said conditions then he can acquire the citizenship in India. The citizenship in India is governed by the Citizenship Act, 1955. There are few amendments made and the Citizenship (Amendment) bill was proposed by the parliament in 2016, and the questions as to whether the bill can be passed or not was raised, it was finally passed by the parliament in 2019; where, the bill proposed that illegal migrants belonging to the Hindu, Sikh, Buddhist, Jain, Parsi or Christian religious communities coming from Afghanistan, Bangladesh or Pakistan shall be granted Indian citizenship. The Bill later received the assent from the President to be enacted as a Law. This has created panic among the citizens as there was already ongoing conflict as to the illegal migrants settling in the parts of Assam, Meghalaya Tripura and Mizoram. Therefore, the paper seeks to address the question as to whether there is any conflict between the National security and the civil rights and whether the Act is discriminatory in nature through the doctrinal method of research.

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[1] B.A, L.L.B(3rd year) student of School of Law, Christ (Deemed to be University