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THE CAA 2019: IMPLICATIONS FOR INDIA'S CONSTITUTIONAL FABRIC

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ABSTRACT-

The principles of the Citizenship Amendment Act (CAA), National Register of Citizens (NRC), and National Population Register (NPR) are, in essence, different legal and administrative frameworks; nonetheless, their practical execution exposes a complicated and important interdependence. After the Citizenship Amendment Bill (CAB) was introduced in Parliament, the debate over the concept of citizenship became a major national focus. The Citizenship Amendment Act generated a great deal of controversy when it was passed. Some groups praised the legislation as an essential step in combating illegal immigration, while others strongly disagreed, sparking protests and broad public disapproval.

At the similar time, the NPR updating procedure became more contentious. The initial plan was to assemble the NPR between April and September 2020, with the goal of finishing before the 2021 Census. In other states, preparations for the NPR have already begun and are still progressing. There is a legal connection between the NPR, the Census, and the NRC since Section 14-A of the Citizenship Act, 1955³, provides the statutory basis for the NPR's compilation.

Keywords: *NPR, NRIC, Refugee, Citizenship Act, Law, Population, Religion, Legislature.*

1. INTRODUCTION-

A crucial legal status that protects people from the dangerous situation of statelessness is citizenship. After the CAB was introduced in the Indian Parliament, the concept of citizenship became the subject of significant public and political debate. The Citizenship Amendment Act (CAA) sparked intense discussion when it was passed; certain segments of the public applauded the law as a vital step to combat the problems caused by illegal immigration, while

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³ Citizenship Act 1955, s 2(1).

others fiercely objected and took to the streets. Public anxiety was heightened at the similar time by controversies surrounding the NPR update.

A statute's preamble, which discloses the fundamental goal and spirit of the law, is an essential interpretive tool. Similar to this, the phrase "We, the people of India," which subtly refers to the whole population of Indian citizens, opens the overture of the Indian Structure, which is known as the sacred text of Indian law. Important legislative tools clearly identify, acknowledge, and differentiate the legal position and identity of a "Citizen of India" from unapproved immigrants or infiltrators, particularly: The Passport Act of 1920, the Foreigners Act of 1946, and the Citizenship Act of 1955.

Any foreign national living on Indian soil who is neither a tourist nor official is referred to as a "infiltrator." Interestingly, there is now no formal legal structure in India that defines or governs the status of "refugees." However, the leadership of India has used executive discretion to provide actual refugee status to several groups, including Sri Lankan Tamils, Tibetans, and other specified foreign populations.

The Indian government is required by law to identify, apprehend, and remove any criminals or illegal immigrants who are residing within the nation's borders with the requirements of the Foreigners Act, 1946. However, there is currently no reliable figure for the total amount of illegal immigrants living in India because there is a lack of properly defined refugee law and unambiguous demographic data. Measuring this population would be like estimating the amount of unreported in flow in the Indian frugality, which is a generally uncertain and speculative process. To completely appreciate the scope and complexity of the problem pertaining to illegal citizenship and immigration in India, a thorough awareness of the historical, socio-political, and juridical context is essential.

2. HISTORICAL CONTEXT-

Under the direction of Indian Prime Minister Atal Bihari Vajpayee, the Parliament passed the Nationality (Amendment) Act, 2003 on January 7, 2004, marking a significant turning point in the history of India's citizenship system. The Citizenship Act of 1955 underwent substantial changes as a result of this legislative reform, setting the stage for later advancements in the areas of citizenship, identification, and demographic registration.

This amendment introduced the statutory phrase "illegal migrant" into Indian law for the first time. According to the Act, a foreign individual entering India's territory in any of the following situations is considered an unlawful migrant:

1. *Absent legitimate travel documents, like a piece of identification or other legally required permits⁴; or*
2. *Having such legitimate documents, yet staying in India for longer than permitted⁵.*
3. *The creation of a timeframe—July 1, 1987—for determining citizenship by birth was another revolutionary aspect of this amendment⁶.*

The structure provided by Section 3⁷ of the modified Citizenship Act is as follows:

- (a) *Regardless of the ethnicity of their parents, everyone born in India between 26/01/1950, and 30/06/1987, is considered a inhabitant by birth*
- (b) *Only those who were born between July 1, 1987, and the 2003 Amendment's implementation will be acknowledged as citizens if either of the parents were an Indian inhabitant during their birth.*
- (c) *Nationality by conception is subject to the following requirements for those conceived on or after the 2003 Amendment's implementation:*
 1. *Parents should be citizens of India; or*
 2. *At the time of a child's birth in India, citizenship by birth is granted only if at least one parent is an Indian citizen and the other parent is not considered an illegal migrant under the applicable laws.*

Importantly, NRIC, which is identical with the NRC and was initially established in Assam, was also required by the 2003 Amendment. Section 14A granted legal validity to this initiative, allowing the government of India to⁸:

1. *Requiring all Indian citizens to register and get National Identity Cards;*
2. *Create and preserve the Indian Citizens' National Register; and*
3. *Establish a National Registration Authority to manage the upkeep and administration of the NRIC, with the Registrar General of India as its head.*

The NPR, which serves as the NRIC's operational basis, is implementing this structure. The Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003, which were recognized under the CA Act of 1955, provide the NPR with its legal standing. A record

⁴ Citizenship (Amendment) Act 2003, s 2

⁵ Ibid

⁶ Ibid

⁷ Substitution of new section for section 3, Citizenship (Amendment) Act, 2003

⁸ Citizenship (Amendment) Act 2003, s 14A (inserting new section titled 'Issue of National Identity Cards').

containing the information of people who are "usual residents" of a certain geographical unit—rural, urban, or otherwise defined by the Administrator—is referred to as the Population Record under Rule 2(l) of these Rules⁹.

The Bureau of the Administrator & Survey Official claims that the NPR is a registration of ordinary inhabitants. A person who has existed in a place for at 6 months or who intends to stay there for at 6 months in the future is considered an ordinary resident¹⁰.

The following demographic information is what NPR seeks to get from each typical resident:

- The person's name
- connection to the household's head
- Names of the mother and father
- Name of spouse (if married)
- Marital status and sex
- Birthdate and Place
- Citizenship Declared
- Current address and length of stay in the typical house
- Permanent residence
- Employment or financial activities
- Level of education

The new version of the NPR exercise aims to gather the time and location of origin of an individual's parents, further integrating the NPR procedure with nationality confirmation procedures, compared to the 2010 NPR exercise, which did not compel disclosure of these facts.

3. BLENDING THE PRESENT SITUATION WITH REFERENCES

The Citizenship Amendment Bill, which became law on 12/12/2019, was introduced by the Modi government and passed by Parliament. During the debates surrounding the Citizenship Amendment Act (CAA), Home Minister announced plans to implement a nationwide National Register of Citizens (NRC). The experience in Assam, where numerous individuals were

⁹ Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules 2003, r 2(l)

¹⁰ Office of the Registrar General and Census Commissioner, Introduction to National Population Register (NPR) (Census India, 2011) <http://censusindia.gov.in/2011-Common/IntroductionToNpr.html> accessed 15 May 2025.

excluded from the NRC, highlights the challenges and ambiguity involved in accurately determining the status of undocumented migrants.

4. CITIZENSHIP AND COMMUNAL IDENTITY: ANALYSING THE 2019 AMENDMENT-

Section 2(1) (b) of the Citizenship Act, 1955, as amended, exempts members of the Hindu, Sikh, Buddhist, Jain, Parsi, and Christian communities from Afghanistan, Bangladesh, or Pakistan who entered India on or before December 31, 2014, due to religious persecution, from being considered illegal migrants. This exemption applies if they were granted relief under the Passport (Entry into India) Act, 1920, or the Foreigners Act, 1946. The exclusion of Muslims from this provision has sparked significant controversy and allegations of religious discrimination.¹¹.

5. CAA'S CHANGE DIRECTION TO NPR-

The commotion that started with the Citizenship Amendment Act concluded in a new dispute that dominated the revision of the National People Register, or NPR for short. The governments of Kerala and West Bengal declared that NPR operations will be suspended. The NPR would result in the upkeep of an Indian resident registry, where the enumerator would gather the biometric and demographic information of those who had resided at the enumeration location for a year or longer.

Many are now perplexed by this development, since the period to start tallying for the survey is rapidly imminent, and non-BJP-ruled states have begun to cease the continuous identification of inhabitants (NPR) procedure.

6. POLITICS AND OUTRAGE ENGAGED

The connection is strengthened since human rights advocates in Bengal began to object to the gathering of biometric and demographic information for NPR updates. Because they consider the NPR to be the initial step towards Bengal's NRC. The Mamata Banerjee administration has been fiercely opposing the BJP's NRC campaign in Bengal. Over a crore illegal immigrants are anticipated in Bengal; many of them came from Bangladesh decades ago. The NPR process was stopped when the West Bengal government swiftly responded to the accusation.

¹¹ Citizenship (Amendment) Act, 2019

7. INDIA'S NRC EXPANSION-

The NPR was initially supposed to be ready for the 2021 Census between April and September of 2020¹². In a number of states, investigation regarding NPR has started and continues. The Citizenship S.14A provides the legislative foundation for NPR research and links it to the NRC and Census¹³.

It stipulates that the Administrator of India should serve as both the Secretary Chief of Resident Registering and the National Registration Authority. The Registrar General serves as India's Census Commissioner, which is noteworthy. In this instance, the image of the apple of discord emerges from the shadows and assumes a tangible shape¹⁴. This implies that the government may utilise the information gathered for the NPR for the NRC at any time. By the way, lakhs of individuals have been deeply affected by the NRC scandal. Muslims in particular are extremely perplexed by the claims made by several political parties and activists that the current administration is targeting the minority in order to advance their party's Hindutva agenda¹⁵.

8. NPR'S SURVEY PROCEDURE

Every ten years, India conducts a census as part of the official counting process. It includes a comprehensive questionnaire designed to collect general information on India's people. 29 specifics on factors including origin, sex, marital position, employment, age, creed, handicap, native speech, or not they adhered to SC or ST classifications were to be filled out by the census taker in 2011.

Individuals' biometric and demographic information is gathered by the NPR procedure. Although door-to-door enumeration is a part of these procedures, NPR's primary goal is to compile an extensive database of Indian citizens' identities, which sets it apart from the Census. People's identities are not gathered by the Census. However, the government's proposal to use a mobile phone application for the Census in 2021 may possibly eliminate this distinction¹⁶. Additionally, the Secretary Chief of India is in charge of centrally storing and maintaining census data. At the village or ward or subdivision, region, and state levels, however, the NPR

¹² Ibid

¹³ Insertion of new section 14A, The Citizenship Act, 1955

¹⁴ Ministry of Home Affairs, FAQs on Citizenship Amendment Act 2019 (Government of India, 2020) https://www.mha.gov.in/sites/default/files/FAQ_CAA_2019.pdf accessed 15 May 2025

¹⁵ Ministry of Home Affairs, FAQs on Citizenship Amendment Act 2019 (Government of India, 2020) https://www.mha.gov.in/sites/default/files/FAQ_CAA_2019.pdf accessed 15 May 2025.

¹⁶ Ibid

data would be recorded and kept up to date in a population registry¹⁷.

9. INTEGRATION OF CITIZENSHIP MECHANISMS WITH AADHAAR INFRASTRUCTURE

Under the UPA administration, NPR and Aadhaar were viewed as competing initiatives. The population register initiative was heavily promoted when the government launched the NPR process¹⁸. Then-Union Minister of Finance Pranab Mukherjee was pushing for Aadhaar with same vigour.

At the same time, Aadhaar and NPR initiatives were gathering biometric and demographic data. At first, the goals of both were to provide individuals with better and more focused services and benefits. It was believed that the home ministry's and the Unique Identification Authority of India's (UIDAI) efforts were redundant and a waste of money¹⁹.

However, the dispute was resolved by an agreement between the UIDAI and the home ministry, wherein it was agreed that the Aadhaar and NPR databases would serve distinct functions. NPR would be utilised for other governance-related, strictly administrative objectives, whereas Aadhaar would be operated as a benefit system to provide services.

Additionally, it was agreed that those who have already signed up for Aadhaar will not be required to provide their biometric information during the NPR process. To eliminate duplication, the NPR data has to be compared to the Aadhaar data. But NPR had the advantage because to the final formula. It was decided that NPR would win out if there was a difference among Aadhaar and NPR data.

In other words, the primary data set for both Aadhaar and NRIC will be NPR carried out in compliance with the CAA of 2003. However, the historic decision in the case of that altered a number of aspects of the situation, as Aadhaar is no longer required and is only required to accrue benefits from welfare programs when the money is taken out of India's consolidated

¹⁷ United Nations High Commissioner for Refugees (UNHCR), *Guidelines on Statelessness and Citizenship* (UNHCR, 2014) <https://www.unhcr.org/publications/legal/4f58864e6/guidelines-international-legal-standards-relating-statelessness.html> accessed 15 May 2025.

¹⁸ Ibid

¹⁹ Citizenship (Amendment) Act 2019, Section 2

fund²⁰.

10.LEGISLATION THAT SPARKED A MOVEMENT: THE PROTEST POLITICS OF THE CAA

The current NPR effort was started when the incumbent government chose to update the NPR that was first established following the 2011 Census, even though the government has not yet announced the pan-India adoption of the NRC²¹. The NPR might result in an NRC when viewed in light of the Citizenship Reform Act of 2003.

The Citizenship Modification Act of 2019 and the final outcome only serve to stoke the flames. The current amendment, according to the present government's detractors, will protect unlawful non-Muslim immigration while leaving many Muslims stateless and facing an uncertain future²².

In October 2018, representatives of the current administration firmly backed the updating of Assam's NRC, even developing a three-dimensional formula that would identify (illegal migrants), remove (names to voter list and additional authorised documents), and extradite (to nearby nation).

11.CONCLUSION-

It is impossible to consider NPR, the NRC, and the CAA as a single entity. They are inextricably linked, creating a paradigm that has important ramifications for how citizenship is defined and validated in India. The need that people, many of whom have lived in India for decades, provide documentation of their citizenship.

Millions were excluded during the NRC operation in Assam, which serves as a warning. It emphasised the human cost of such procedures as well as administrative inefficiencies. Widespread civic unrest and heightened public protests have resulted from this event, which has raised worries across the country. Notwithstanding the confusion, it is critical to comprehend the long-term goal of such programs—building a system that seeks to identify legitimate residents in order to lessen the burden on the nation's resources and minimise any

²⁰ Justice K. S. Puttaswamy v. Union of India

²¹ CAA,2019

²² Citizenship (Amendment) Act, 2019.

security risks caused by unauthorised people.

However, a humanitarian strategy must be used to balance this goal. It is unacceptable to subject refugees and displaced people who are escaping persecution due to their race, religion, or ethnicity to worse suffering in a location where they seek refuge. The state must make sure that the innocent are not subjected to injustice in the name of maintaining order.

Even though there hasn't been a formal state-wide NRC announcement yet, there is a lot of conjecture about the possible documentation thresholds. In theory, by differentiating between legitimate citizens and unauthorised migrants, a well-executed identification system may help solve socioeconomic issues like unemployment, poverty, and overcrowding. The security and dignity of persecuted minority seeking refuge, however, must not be compromised in the process.

In conclusion, great care and consideration must be given to any transition to a national citizenship verification system. It needs to be based on clear legal guidelines, strong procedural protections, and empathy for humanitarian concerns. Regardless matter whether they are citizens, non-citizens, or permanent residents, everyone has a responsibility to respond with knowledge and restraint, while the government must assure fair and legal execution.

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