



CAA IMPLEMENTATION ISSUES AND CHALLENGES FOR MINORITY COMMUNITIES IN INDIA AND BORDER STATES

DR PEER AMIR AHMAD¹ Dr. S.Balamurugan²
¹Researcher

²Associate Professor, Department of History Annamalai University Tamil Nadu
Address: Panzgam, Pulwama, Kashmir-192124
Email id: rahieamir786@gmail.com

ABSTRACT

The Citizenship Amendment Act, 2019, (Act) narrows India's path to citizenship and calls into question its secular beliefs. This is the first time that India has been designated as a Hindu country. The Act grants Hindu, Christian Sikh, Parsi, Buddhist,, and Jain immigrants from Pakistan, Afghanistan, and Bangladesh Indian citizenship. The legislation offers them citizenship if they arrived in India before December 14, 2014. Due to its multicultural, multilingual, and multi religious communities, India is known for its unity in diversity. This article focuses on the Indian Parliament's approval of the Citizenship Amendment Act of 2019 (CAA) impacting minority populations in India and its neighbouring states. Minority populations in modern South Asian countries suffer a number of challenges. As a result, numerous countries create policies and adopt laws to safeguard the weak. Minorities worldwide form diverse cultures and communities. For nations to transform their organisations and cultures into a civilized world that achieves unity in diversity, empowerment is required. Majority-minority tensions are surfacing at an alarming rate in Asia and Africa's emerging and poor nations. This article examines the flaws in the Indian government's Citizenship Amendment Act of 2019, which discriminates against some minority groups' fundamental rights and the Indian Constitution's secular ethos. This research also aims to address issues that have plagued minority populations since antiquity. South Asian governments and majority-minority organisations are encouraged to use innovative ways. Culture, customs, religion, race, color, caste, and creed separate minorities. This study looks into many facts, causes, and interactions in the Amendment Act of 2019, with an emphasis on religious minorities and their rights. Many issues that impact minority communities in South Asian countries are being investigated for their cause-and-effect relationships.

Keywords: CAA-2019), Minorities protection, Constitutional provisions, Human Rights and religious communities

Introduction

Minorities and political parties have competed for power since independence, without taking into consideration the needs of the minority. As a result, daily tension. Minorities experience prejudice, hardship, and marginalization in communities and polities where the

DR PEER AMIR AHMAD, Dr. S.Balamurugan

majority is dominant. Poverty and limitations on self-determination also have an impact on the lives of minorities. Minorities contribute to society's advancement by providing cultural diversity and social development. Diverse populations have (Pollock, M. J. (2002). swamped India and its neighbouring states. These minorities, which are vital to the region's sociocultural development, have far-reaching social, political, cultural, and economic consequences. Religious, ethnic, and cultural minorities in South Asia are harmed by state rivalry. To deal with such problems, the Indian government enacts laws and formulates policies

The 2019 Citizenship Amendment Act addresses the citizenship of persecuted minorities. Due to illegal migration and persecution in India's neighbours, Pakistan, Bangladesh, and Afghanistan, these minorities are not citizens of any country. Several minority groups without citizenship are migrating to India from Rather, (K. C. (2021). neighbouring states. This Act grants citizenship to disadvantaged minorities. The Citizenship Amendment Act does not apply to Muslims who are not citizens of any nation. Because the Muslim population faces the same problem, the Citizenship for Persecuted Minorities Act is biased. On religious grounds, Muslims have been denied rights. As a result of this amendment, Hindus, Jains, Buddhists, Christians, and Parsis get citizenship in Pakistan, Bangladesh, and Afghanistan as a result of this amendment. People who came to the United States before December 31, 2014, and did so because they were persecuted for their religion, will not be considered illegal and will be given citizenship under this Act.

Minority minorities in Muslim-majority countries are under danger, according to the Indian government, and are fleeing to India. This migration is causing a slew of issues in India. India is criticized by experts and intellectuals for its high population density, limited natural resources, and plentiful human resources. Disguised jobs are also becoming a hindrance (Sharma, C. (2019) to people's living standards, harming social welfare, economic advancement, and growth. Political, cultural, religious, and social tensions arise as a result of this minority. This Act has been criticized by certain academics and Muslim minorities for excluding one community. This Citizenship Act places people in no position, (Roy, A. (2019) and thereby violates fundamental rights guaranteed by the Indian constitution, including equality (Article 14), freedom (Article 19), and life and liberty (Article 21). The government has chosen to deny citizenship to illegal immigrants. Strikes and demonstrations broke out in India after this Act was approved. As a result, installation proved challenging and time-consuming. This is a serious and delicate issue that must be handled with extreme caution. To strengthen relations, the Indian government develops national and foreign policies, as well as programmes and projects to solve long-standing issues.

The moment has come to establish successful and proactive policies like India's neighborhoods first policy and extended neighborhoods policy, as well as to cultivate cordial ties with key international powers like the United States, Russia, and China. For understanding the government's involvement and measuring the impact of the Citizenship Amendment Act of 2019, national policy measures and social welfare programmes for



vulnerable groups such as SC, ST, OBC, Divyangjan, and Minorities are also important. It is also necessary to examine the disputed national register of citizens (NRC), which was enacted in 2003, for a complete knowledge, (Khan, T. (2020). analysis, and explanation of the Citizenship Amendment Act of 2019. The National Register of Citizens was created as a result of the Citizenship Act of 1955 being revised in 2003. (NRC). It records all valid Indian citizens in order to expel unlawful immigrants. It began in Assam in 2013–2014. The Indian government announced plans to implement it across the country in 2021, but this has yet to materialize. It's critical to understand the history of minority groups and their empowerment in order to come to a fair and logical conclusion.

Background of study

The CAA Protest, also known as the CAB Protest, or CAA and NRC protests, occurred when the Government of India implemented the Citizenship Amendment Act (CAA) on December 12, 2019. The Indian subcontinent, which includes India and its neighbouring states, has a similar social, cultural, and religious legacy. India, Pakistan, Bangladesh, and Sri Lanka, as well as Nepal, Bhutan, and the Maldives, make up the present South Asian region, once known as the Indian subcontinent (Kobayashi, T. 2006)

The British retain colonial authority in this area. This land was partitioned when the country earned independence from colonization. It is a multicultural and diverse area in terms of topography and population. Almost every country has a majority population and a variety of minority groups or communities. Religion, ethnicity, colour, gender, traditions, and creed are used to categories these minority. The bulk of the minority groups in these towns are religious. Since the beginning of time Minorities play a significant and comprehensive role in the development of the social, cultural, and economic sectors in this region. These organisations have experienced several hurdles since their beginnings. Inequality, violations of fundamental rights, and enslavement by the majority population are the key concerns that these groups face. Several difficulties have been addressed by independent (Carter, B. L1998) governments throughout time through education, awareness, economic growth, and other similar methods. However, a slew of new challenges and concerns keep cropping up at an alarming rate. The complexes of majority and minority, as well as inferiority and superiority, are firmly established and have never been overcome.

As a result of these concerns, a host of barriers and bottlenecks for economic illiteracy, poverty, illiteracy, inequality, misgovernance, and health-related difficulties emerge. Governments are also attempting to solve these concerns by enacting legislation and establishing programmes and projects, but with limited success. Nonetheless, it is hard to deny that many long-standing challenges, like as severe caste systems, sexism, and economic backwardness, have been significantly decreased because to greater educational opportunities, economic growth and development, and political stability. India and its neighbouring states now have a number of small minority populations. For bigger minority populations, religion is the foundation. In India, for example, Hindus make up the majority,

DR PEER AMIR AHMAD, Dr. S.Balamurugan

while Muslims, Sikhs, Buddhists, Jains, Christians, and others make up the minority. Islam is the majority religion in Pakistan, (Newton, K. M. 2005) Bangladesh, and Afghanistan, with Hindus, Sikhs, Jains, Christians, Buddhists, and Parsis constituting minorities. Some religious minorities are fleeing to India as a result of persecution.

A number of social, economic, and political issues, as well as religious persecution, have fueled this movement. According to a new rule passed by the Indian government, there are two types of migrants: illegal migrants and religiously persecuted migrants. Illegal migrants are those who move for social, political, or economic reasons; religiously persecuted minority groups, with the exception of Muslims, will be considered for citizenship until 2014. The Citizenship Amendment Act of 2019 (CAA) was approved to provide religious minorities with citizenship. In 1955, India's Citizenship Act was passed after eight years of independence. The Citizenship Act of 1955 governs these provisions. Articles 5 through 11 of the Indian Constitution contain citizenship provisions. This Act specified the criteria for obtaining citizenship in a nation. It's worth noting that India has a long history of developing national programmes and international policies to meet the needs of minorities in India and neighbouring countries. Jawaharlal Nehru, Dr. B. R. Ambedkar, Maulana Abul Kalam Azad, S. N. Banerjee, Pandita Ramabai, HomiJehangirBhabha, Ratan Naval Tata, Virchand Gandhi, M. K Gandhi, Vikram Sarabhai, and other minority leaders raised their voices to formulate policies for the provision of fundamental rights and the social development of minority communities. The Indira Doctrine, Gujral Doctrine, and Modi Doctrine are notable policies and laws developed by India's PMs, with a particular (Hassan, M. T. (2019). focus on India's neighbourhood first policy. Throughout the history of struggle, many plans have been made to help people from minority groups.

Objectives

1. To identify numerous variables affecting minorities in India and neighbouring countries, with a particular focus on the Citizenship Amendment Act of 2019.
2. To Analyse and experimentally explore the facts that influence India's and its neighbouring countries' national and international policies, both favorably and adversely.
3. To determine the obstacles to the Citizenship Amendment Act of 2019's implementation.
4. To examine proposed measures for a practical approach to amending, adding to, revising, and implementing the CAA 2019.

Methodology

The study adopted documentary and analytical method In order to analyse and explain the facts and relationships critically. The majority of the content in this research report comes from secondary sources, such as the research. Papers, books, and official documents taken from the Indian government's official websites, Ministry of Foreign Affairs etc.



CAA's impact on India and neighbouring states' minorities

The 1955 Citizenship Act defined citizenship procedures. A 2019 amendment covers awarding citizenship to religiously persecuted minority populations in Pakistan, Bangladesh, and Afghanistan. You're eligible if you've resided in India for the last year and 11 of the prior 14 years. For some illegal immigrants, the number fell from 11 to 5. The Act has two exceptions. It's me. Tribal regions are missing (**Mahmood, K. 2019**) from Tripura, Mizoram, Assam, and Meghalaya.

This area is covered under India's 6th Schedule. II. Act-covered areas are also off-limits. 1873's Bengal Eastern Frontier Regulation set the inner limit. Act regulates Central. The government can cancel OCI registrations. This Act was passed on January 10, 2020. 2019 saw the latest Citizenship Act revision. Minority religions A Constitutional amendment was suggested in 2016. 2019 resurrected and enacted the Lok Sabha. This amendment is big. Influential (**Chakrabarty, I. (2021)**) minorities fled neighbouring countries due to religious persecution. The majority communities' subjugation This Act addresses minority issues. Bangladesh, Pakistan, and Afghanistan are allies. Laws protect Hindus, Sikhs, Christians, and Muslims.

Socio-cultural implications

The Citizenship Amendment Act of 2019 will have a broad and significant influence on Indian society, both positively and negatively. Positively, the community, which was confronted with a myriad of difficulties and problems as a result of social and cultural tensions resulting from differences in traditions, beliefs, holidays, and religious observances, etc., in various countries, the states will allow their civilizations to thrive freely. The strengthening of these groups on a social and cultural level will ultimately result in improvements to the wellbeing of society as a whole. Citizenship will be a status that may be enjoyed by anyone, which means the ideas of nationalism and patriotism should be developed and improved further. All of these major events and their significance, together with an uncountable number of other little efforts, will be to India's benefit as a whole. In a detrimental manner, the community that has been excluded from the scope of this Act believes that it is illegal and a deliberate attempt by the government, led by the BJP and supported by the RSS and the ideology of Hindutva, to (**Jyoti, J., & Kour, S. (2017)**).split groups into religious lines and rule. To put it another way, members of underrepresented groups, such as Muslims, referred to this action as the "a method of subjugation utilized by the Government of India, which is analogous to the imperialists' tactic of "divide and rule."

As a result, it is clear that this act has a great number of repercussions for society and culture. A fresh approach a strategy that is reasonable and empirically sound ought to be conceived of and developed to find solutions to these problems. Which would fulfil the interests of every group, notwithstanding differences in religion, race, colour, sex, and other factors, objectives that are only focused on acquiring political power and driven by politics? A strategy on this level will eventually bring about the societal development of

DR PEER AMIR AHMAD, Dr. S.Balamurugan

groups currently existing in India, as well as a significant increase in benefits for the overall whole territory comprising South Asia. Additionally, improvements will be made to our connections with other countries, which is also extremely (Wang, Y. (2006) important. This is significant in light of the current climate of transparency and dependency on one another. As Nepal was not included in the Amendment Act of 2019, it is critical to highlight the fact that individuals are also leaving Bhutan and Myanmar, as migration is occurring in these nations. Therefore, analysts feel that this act fosters favouritism, which in turn affects the marginalised communities of these countries. Should also be taken into consideration.

The Implications for Politics and the Economy

The political and economic landscapes of India and its neighbouring states are both significantly impacted by this Act. In this particular scenario, these behaviours have a number of perks as well as drawbacks. When contrasted with anything, though, Giving the advantage to the minority can either directly or indirectly make the political system of a country more powerful. The expansion and development (Busch, M. L. (2010). of the economy Those who are considering carrying out this act at the same time People's basic rights are violated when the majority groups do things that are against the law to further their political goals. It is a constitutional provision that is particularly suited to equality, which is protected by the basic law of the nation as per the Because of this, Article 14 could be seen as bad for a number of important economic and political reasons. Expansion of the nation as well as its surrounding states The state of international relations may be affected as a result of this as well. bilateral, multilateral, political, and economic Pleasant exchanges with one's immediate neighbours In this age of interdependence, (Kaplan, S. L. (1976). it is important for states to be connected with each other and with the rest of the world.

The advancement of science and technology, in addition to a free market economy the advancement of both the economy and the political system results in better living circumstances. Living standards, sophisticated education, civilization, creativity, and invention the fact that is obvious from the explanation of consequences that was presented before. The implementation of this amendment is a rather involved process.

Protecting arguments for the CAA-2019

Many of the reasons made by the opposition, civil society organisations, students, and retired government employees in opposition to the Citizenship (Amendment) Act (CAA) and the planned National Register of Citizens (NRC) are unconvincing. Religious minorities (mostly Hindus and Sikhs) have emigrated from Pakistan, Bangladesh, and Afghanistan. In 1947, there were fewer minorities than there are now. Because they are unable to obtain citizenship in other Muslim countries, India serves as a haven for them (Bhattacharjea, M. (2020). The case for oppressed Muslims from neighbouring countries, like as Ahmadis and Rohingyas, to be eligible for Indian citizenship under the CAA is long and winding. We owe no more citizenship to Rohingyas who haven't claimed refugee



status and entered India illegally than we do to Bangladesh, a neighbouring Muslim country where they sought sanctuary from Myanmar's instability. Pakistani Ahmadis have not infiltrated India and can seek refuge in a number of Islamic countries. Keeping the doors open to Ahmadis, Rohingyas, and other "persecuted" Muslims (**Behera, P. (2020)**).

In Islamic countries after they enter India illegally makes little sense, especially since December 31, 2014 is the cut-off date for citizenship. It is not intended to be offensive to Jews, Muslims, or atheists. Through the naturalisation process, Ahmadiyyas, Rohingyas, and other religious minorities who face severe religious persecution in Myanmar, Pakistan, Bangladesh, and Afghanistan can get citizenship. Second, this Act does not contradict any of the following fundamental principles: the Indian Constitution, given that earlier court judgments have shown that the Central Government is India's ultimate power. to refuse citizenship based on legal grounds. As a result, the Act cannot be considered unconstitutional in certain circumstances. invalid. It has taken into account the principles of equality and secularism. Minority members who commit major human rights violations in the Islamic Republic of Pakistan, Bangladesh, and elsewhere in South Asia. In Afghanistan, religious minorities face demeaning treatment and brutal persecution. Apparently, from the Indian perspective, the Indian government guarantees that religious minorities, particularly Muslims, are not subjected to similar types of humiliation or persecution as a result of their beliefs. Persecutors (**Agarwal, N. (2019)**). are causing problems. Third, the Act only applies to three nations due to the diversity of religious practices across the world. Minorities are persecuted significantly more severely in these governments than in other tiny countries like Bhutan. Myanmar, Nepal, and Sri Lanka are three of the most populous countries in the world. Bangladesh, Pakistan, and Afghanistan are India's nearest neighbours. Other countries (**Subramanian, S. (2021)**). have historical relations with these three, but none are as strong as these three. The northeastern states will reap the advantages, not the drawbacks, in the long run.

Assam and other north-eastern states are covered under the 2019 Act. It also takes into account the Assam Accord and the states of the North East. As a result, it does not breach any agreement. It is incorrect to say that CAA is a breach of international law. While Article 2 (1) of the International Covenant on Civil and Political Rights has been cited in support of the claim, Article 12 (1) of the Covenant, which allows for legal restrictions in the interest of national security and even states that a "alien lawfully in the territory of a State (**Bhatia, M. (2021)**). Party to the present Covenant may be expelled only in pursuance of a decision reached in accordance with law" has been ignored.

Conclusion

This paper discusses how the 2019 Citizenship Amendment Act affects religious minorities in India and its neighbours. This paper analyses the 1955 Act of Citizenship, which controls Part 2nd of the Indian Constitution, Articles 5–11. This research examines minority groups based on ethnicity, customs, beliefs, religion, color, creed, and sex. The Citizenship Amendment Act of 2019 has been analysed and described while considering the historical background conditions of minority groups, especially religious minority

DR PEER AMIR AHMAD, Dr. S.Balamurugan

groups. This law's impact on minority groups and socioeconomic and political power has also been addressed. This research paper discusses India's national and foreign policies, their impact, and implementation issues. This empirical and exploratory study analyses, examines, and discusses facts and topics related to Hindus, Buddhists, Christians, Jains, Parsis, and Muslims.

The 2019 Citizenship Amendment Act bars Muslims from citizenship. Minority communities fleeing religious persecution in Pakistan, Bangladesh, and Afghanistan are highlighted. The government says Muslims are the majority in three South Asian nations. Muslims aren't mentioned since they aren't mistreated or humiliated. This can complicate the Act's implementation. After this act was passed, various difficulties arose that hindered rule enforcement. A pragmatic approach is needed to tackle implementation challenges and drawbacks. A separate commission should suggest methods to exclude and violate minority groups like Muslims. Rules and regulations, special schemes, and committees such as the (HLC) committee notified in 2019 that clause (6) of the Assam accord should be implemented for excluded peoples, specifically the inherent language, religion, and ethos of north-eastern states and the overall upliftment of minorities. Minorities drive variety, cultural progress, and social empowerment. Such acts and policies can resolve long-standing disputes, backwardness, illiteracy, and poverty. This will bolster hopes for overall progress.

Acknowledgement

I would like to express my heartfelt gratitude to everyone who gave me the opportunity to complete this paper. A special thanks to my friend **Dr. Rafiq Sab from Shopiyan Kashmir**, whose dedication, dynamic ideas and consolation aided me in planning my article in a period bond way. Furthermore, I would like to express my gratitude to all of the researchers who had effectively summarised their papers on a similar topic. Their citations and references helped me a great deal in finishing my article in a fruitful way

Conflict of interest

No Potential conflict was reported by the Author

Funding

Nil

References

1. Pollock, M. J. (2002). Introduction of CAA into a mathematics course for technology students to address a change in curriculum requirements. *International Journal of Technology and Design Education*, 12(3), 249-270.
2. Bhat, M. (2019). The constitutional case against the Citizenship Amendment Bill. *Economic and Political Weekly*.
3. Chandrachud, A. (2020). Secularism and the Citizenship Amendment Act. *Indian Law Review*, 4(2), 138-162.



4. Mahmood, K., Paswal, N. H., & Dar, N. A. Impact Of Caa-2019 On Minority Communities In India And Neighboring States: Issues And Challenges In Its Implementation.
5. Hassan, M. T. (2019). The Origin, History and Legality of the Citizenship (Amendment) Act, 2019. *History and Legality of the Citizenship (Amendment) Act..*
6. Basu, M. (2021). Kisi Ke Baap Ka Hindustan Thodi Hai: citizenship amendment act protests, hashtag publics and the enlargement of the public space. *Feminist Media Studies, 21*(1), 169-171.
7. Khan, T. (2020). The Citizenship Amendment Act, 2019: A Religion Based Pathway to Indian Citizenship. Available at SSRN 3665743.
8. Gordon, A. D., & Gordon, S. (2014). *India's rise as an Asian power: nation, neighborhood, and region*. Georgetown University Press.
9. Roy, A. (2019). The Citizenship (Amendment) Bill, 2016 and the aporia of citizenship. *Economic & Political Weekly, 54*(49), 28-34.
10. Chakrabarty, I. (2021). Show your religion, claim your citizenship: The citizenship amendment act, 2019.
11. Agarwal, N. (2019). The Poisonous Law: The Citizenship Amendment Act 2019. *Research Gate*.
12. Behera, P. (2020). A Detailed Study on Citizenship Amendment Act 2019. *Supremo Amicus, 19*, 378.
13. Wang, Y. (2006). *Internet use among Chinese students and its implication for cross-cultural adaptation* (Doctoral dissertation, Kent State University).
14. Subramanian, S. (2021). Icons and archive of the protests against the citizenship (amendment) act and the national register of citizens. *Journal of Feminist Studies in Religion, 37*(2), 127-135.
15. Sharma, C. (2019). Citizenship Amendment Bill 2016: Continuities and contestations with special reference to politics in Assam, India. *Asian Ethnicity, 20*(4), 522-540.
16. Roy, S., Mukherjee, M., Sinha, P., Das, S., Bandopadhyay, S., & Mukherjee, A. (2021). Exploring the dynamics of protest against National Register of Citizens & Citizenship Amendment Act through online social media: the Indian experience. *ArXiv preprint arXiv:2102.10531*.
17. Rather, K. C. (2021). Interpreting Citizenship Amendment Act: Its Content and Context. *Indian Journal of Public Administration, 67*(4), 559-572.
18. Soni, A. S. (2019). Citizenship Amendment Act-Uncalled for protests.
19. Bhatia, M. (2021). State Violence in India: From Border Killings to the National Register of Citizens and the Citizenship Amendment Act. In *Stealing Time* (pp. 171-196). Palgrave Macmillan, Cham.
20. Ahmed, S. S., & Pathak, S. (2020). Voices from India's borderlands: indigeneity and the de-centering of dissent against the Citizenship (Amendment) Act (CAA). *Nidan: International Journal for Indian Studies, 5*(1), 3-25.

DR PEER AMIR AHMAD, Dr. S.Balamurugan

21. Manuake, R. K. (2018). Bill for the Citizenship (AMENDMENT) Act No. 34 of 2018.
22. Gupta, S. (2019). A constitutional defence of the citizenship amendment bill.
23. Kapoor, T. (2019). National Registrar of Citizen and Citizenship Amendment Bill, 2016. *Supremo Amicus*, 14, 293.
24. Bhattacharjea, M. (2020). The politics of perception and the Citizenship Amendment Act 2019. *Dialogue*, 22(2), 25-32.
25. Sufian, A. (2020). Geopolitics of the NRC-CAA in Assam: Impact on Bangladesh–India relations. *Asian Ethnicity*, 1-31.
26. Kaplan, S. L., & Reinert, S. A. (1976). *Bread, politics and political economy in the reign of Louis XV* (Vol. 2). The Hague: Martinus Nijhoff.
27. Busch, M. L., & Pelc, K. J. (2010). The politics of judicial economy at the World Trade Organization. *International Organization*, 64(2), 257-279.
28. Kobayashi, T., Inoue, Y., Takeuchi, K., Okada, Y., Tamura, K., Tomomasa, T., ... & Morikawa, A. (2006). Prediction of intravenous immunoglobulin unresponsiveness in patients with Kawasaki disease. *Circulation*, 113(22), 2606-2612.
29. Carter, B. L., Malone, D. C., Valuck, R. J., Barnette, D. J., Sintek, C. D., & Billups, S. J. (1998). The IMPROVE study: background and study design. *American journal of health-system pharmacy*, 55(1), 62-67.
30. Newton, K. M., Reed, S. D., Grothaus, L., Ehrlich, K., Gultinan, J., Ludman, E., & LaCroix, A. Z. (2005). The Herbal Alternatives for Menopause (HALT) Study: background and study design. *Maturitas*, 52(2), 134-146.