

Passage 1:

How a country defines who can become its citizens defines what that country is, because citizenship is really the right to have rights. For India, the choice was inexplicably made in 1950 when the Constitution was adopted, and Part II (concerning citizenship) provided citizenship based on domicile in the territory of India. The Constitution also recognizes the power of parliament to make provisions with respect to "acquisition and termination of citizenship". Pursuant to this, Parliament has enacted the Citizenship Act, 1955; and, religion is not a relevant criterion for citizenship under the law. This position is now sought to be changed through the proposed Citizenship Amendment Bill, 2019(CAA) that seeks to amend certain provisions of the 1955 Act. The obvious question on which much of the debate has so far focused on is whether in a country such as India, with a secular Constitution, certain religious groups can be preferred in acquisition of citizenship. Especially when secularism has been declared to be a basic feature of the Constitution in a multitude of judgements. But in addition to this basic question, a look at the proposed CAA shows that it is peppered with unconstitutionality. The classification of countries and communities in the CAA is constitutionally suspect. First to the countries. The basis of clubbing Afghanistan, Pakistan and Bangladesh together and thereby excluding other (neighbouring) countries is unclear. So common history is not a ground as Afghanistan was never a part of British India and always a separate country. More importantly, why have countries such as Nepal, Bhutan and Myanmar, which share a land border with India, been excluded? The reason stated in the Statement of objects and reasons' of the Bill is that these three countries constitutionally provide for a "state religion"; thus, the Bill is to protect "religious minorities" in these theocratic states. The reason does not hold water. Why then is Bhutan, which is a neighbour and constitutionally a religious state- the official religion being Vajrayana Buddhism- excluded from the list? Further, if religious prosecution of "religious minorities" in the neighbourhood is the concern, then why has Sri Lanka, which is Buddhist majority and has a history where Tamil Hindus have been persecuted, been excluded? Why is also Myanmar, which has conducted a genocide against Muslim Rohingyas, many of who have been forced to take refuge in India, not been included? The CAA selection of only these three countries is manifestly arbitrary.

On the classification of individuals, the Bill provides benefits to sufferers of only one kind of persecution, i.e. religious persecution. This itself is a suspect category. Undoubtedly, the world abounds in religious persecution but it abounds equally, if not more, in political persecution. If the intent is to protect victims of persecution, there is no logic to restrict it only to religious persecution. Further, the assumption that religious persecution does not operate against co-religionists is also false. Taslima Nasreen of Bangladesh is a case in point. She or similarly placed persons will not get the benefit of the proposed amendment, even though she may have personally faced more religious persecution than many Bangladeshi Hindus. Similarly, Shias in Pakistan, a different sect of the same religion, also face severe persecution in Pakistan. The fact that atheists are missing from the list of beneficiaries is shocking.

Restricting the benefits of “religious minority” to six religious groups (Hindus, Sikhs, Buddhists, Jains, Parsis and Christians) is equally questionable. Ahmadiyas in Pakistan are not recognised as Muslims there and are treated as belonging to a separate religion. In fact, because they are seen as a religion that has tried to change the meaning of Islam, they are more persecuted than even Christians or Hindus. If the avowed objective of CAA is to grant citizenship to migrants on the basis of religious persecution in their country of origin, the absence of Ahmadiyas from the list makes things clear.

Article 14 of the Constitution of India, prevents the State from denying any “person” (as opposed to citizen) “equality before the law” or “equal protection of the laws” within the territory of India. From the serious incongruities of CAA, as explained above, it is not difficult to imagine, how it will not just deny equal protection of laws to similarly placed persons who come to India as “illegal migrants” but in fact grant citizenship to the less deserving at the cost of the more deserving.

Question1.: Which of the following proposition is true in the context of aforementioned legal article?

- A) Indian Constitution provides detailed legal framework under chapter II from Article 5 to 11 concerning the Citizenship regime to be applied in India.
- B) Indian Constitution provides detailed legal framework concerning the Citizenship regime to be applied in India and current Citizenship Amendment Bill seeks to amend the constitutional provisions of citizenship.
- C) Citizenship regime in India is governed by the provisions of Indian Constitution under Chapter II of citizenship Act, 1955.
- D) Indian Constitution grants citizenship to people on the basis of religion which they follow.

Question.2: In the aforesaid legal article, author is focusing on proving that:

- A) Citizenship Amendment Bill is constitutionally valid and the ongoing protests against CAA are politically motivated.
- B) CAA is only an inclusive law and government has the mandate to decide the criteria of granting the citizenship to illegal migrants.
- C) CAA is not constitutionally sustainable.
- D) None of the above.

Question3. Which one of the following arguments cannot be made to argue against the constitutionality of CAA?

- A) The classification on the basis of religion for granting citizenship is not sustainable in view of Article 14.
- B) The classification as provided by the government under the CAA on the basis of migrants belonging to specific countries and disregarding the other migrants similarly situated is patently arbitrary thus, in violation of the Constitutional principles.
- C) The classification as provided by the government on the basis of economics criteria under CAA is arbitrary, thus not constitutional.
- D) Both A and B are correct.

Question4. Which one of the following proposition would be correct in the context of the aforementioned legal article?

- a) Religious persecution does not operate against people belong to the same religion.
- b) Religious persecution may operate against people belong to the same religion.
- c) There is no religious persecution of Muslims in Pakistan.
- d) There is no religious persecution of Tamil in Sri Lanka.

Question5. Article 14. Affords protection to which one of the following?

- a) Citizens only
- b) Non-Citizens only
- c) Both A and B
- d) Cannot be decided on the basis of aforesaid legal article.

Question6. CAA is aimed at addressing which one of the following persecutions in neighbouring countries of Pakistan, Afghanistan and Bangladesh?

- a) Political Persecution
- b) Religious Persecution
- c) Linguistic Persecution
- d) Both a & b

Question 7. Suppose the sole aim of the government behind enacting CAA is to provide protection to the minorities who have been persecuted on religious grounds in neighbouring countries of Pakistan, Bangladesh and Afghanistan.

Which one of the following facts is likely to show that government's move in extending protection to religiously persecuted minorities from these neighbouring countries is not meant to afford protection to all religiously persecuted minorities in these neighbouring countries?

- a) Exclusion of persecuted Ahmadiyas
- b) Exclusion of Rohingyas of Myanmar
- c) Exclusion of people belonging to minorities in China
- d) None of the above

Answers

1) C

2) C

3) C

4) B

5) C

6) B

7) A