

NRC-CAA: CONTEXT & RELEVANCE

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Abstract: The study focused on the very controversial area of the Indian constitution, which is going to be implemented about the citizen amendment bill in short CAA. So the study carry out following objective the study is based on the theoretical review are: To study on procedure to be followed in the compulsory registration of citizens of India will be as per the instruction respectively, To study on The Central Government may maintain a National Register of Indian citizens and establish a National Registration Authority for that a purpose. It's a theoretical study one, we follows the secondary source of information from the website, book, journal etc. on the other hand we followed the latest judgment on different court like in the region regarding the CAA. However, the Indian government says those who are illegal immigrants have a lot of documents, including voter cards, ration cards and Aadhar cards. Do not all these identity cards carry the identify of a citizen? Everyone must be respectful of the authority of Parliament and the constitutional institution. Laws that are formally passed after open debate in Parliament cannot be overturned because of the open crowds on the streets or the rhetoric of politicians.

Index Terms: Constitution views, Acts specific study, Policy related study & Government actions related study

I. Introduction

Modern democratic state the essential organ of citizens or people. People besides the state seriously never gets. People or citizen of the modern state is one of the driving force. Democracy states with the citizen themselves, from within, some citizens to run the country selected for that. Elected officials how the country will manage it in the constitution people are just pleased him. Ruler here, people up wards rather than of the people is represented in order to charge a citizen only. Thus citizens dignity is the modern democratic state, the theoretical basis. Despite the fact that India is a modern democracy, the people of India do not get the same status and right as the citizens of Europe and America. On top of that, the citizenship of millions of Indians in the name of NRC (National Register of Citizenship) is also in crisis.

II. Relevance of the study

The Bharatiya Janata Party had promised in its aforesaid election manifesto that the oppressed Hindu minorities would be given citizenship in neighboring countries. To this end, a law was passed in the Parliament of India on 11 December 2019, known as the Citizenship Amendment Bill (CAB) of India. The purpose of this bill was to amend the 1955 Citizenship Act. The bill given oppressed minority Hindu, Buddhist, Jain, Parsi and Christian illegal immigrants from Afghanistan, Bangladesh, and Pakistan the opportunity to obtain India citizenship. According to the amended bill, people of six specific religion must enter India before December 31, 2014 and can only acquire Indian citizenship if they are a victim of religious persecution or fear of religious persecution because they are a minority. This citizenship law will be seen as a kind of protection for Hindus. Home Minister Amit Shah told parliament that no evidence of persecution would be sought from non-muslim minorities during the application for citizenship. No such opportunity has been provided for Muslims. Home Minister Amit Shah argues that the three neighboring countries are Pakistan, Bangladesh and Afghanistan – the state religion of these three countries is Islam. So Muslim cannot be oppressed in Islamic countries. This is the first time Indian law that religious identify has been added as a condition for acquiring citizenship.

III. Literature review

Abu Sufian (2020)¹ examines the contemporary Bangladesh–India relationship analyzing the dynamics of geopolitics centring the National Register of Citizens (NRC) and the Citizenship (Amendment) Act (CAA)-2019 in Assam, India. This paper examines the historical and geopolitical roots of the volatile present and uncertain future of non-registered people in Assam, often referred to as "illegal Bangladeshi migrants," as portrayed by the Indian ethnocratic state, which ignores India's long-standing pluralist traditions and exercises. The study's core premise is that Indian political elites' selling of the problem of "illegal Bangladeshi immigration" is destined to cross the border, infusing animosity into the Bangladesh–India relationship in the future.

Praveen Ranjan Srivastava (2021)² Studied the appearance of social media has furnished a platform for expressing evaluations concerning law and public schemes. One such burning law brought in India is the Citizenship Amendment Act (CAA) and its effect at the National Citizenship Register (NRC) and, subsequently, at the National Population Register (NPR). This examine examines and determines the evaluations expressed on social media concerning the act via a Twitter evaluation technique that extracts almost 18,000 tweets at some point of 10 days of introducing the scheme.

Riccardo Jaede(2020)³ studied article offers an ethnography of the citizenship protest movement in West Bengal from mid-2018 to mid-2020. It retraces how, despite the state government's hijacking of the movement, a comparably small coalition of non-parliamentary left parties and Muslim organisations was able to force its agenda on the state of West Bengal. It tells the storey of the year-long agitation that preceded the passage of the CAA, which changed the state's political environment. A detailed examination of the dynamics, composition, and symbolism of the Park Circus protests in January 2020, which were Kolkata's

response to Delhi's sit-in at Shaheen Bagh, reveals how the state administration, led by the Trinamool Congress, took control of the movement.

Suvick et.al.(2021)⁴ studied on generic fluidity observed in the nature of political protest movements across the world during the last decade weigh heavily with the presence of social media. As a result, an interdisciplinary method combining computer analytics and social science views might be used to examine contemporary movements. The current study aimed to comprehend such dynamics in the light of India's ongoing countrywide campaign against the NRC-passage. CAA's.

IV. Objective of the study

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- To study on procedure to be followed in the compulsory registration of citizens of India will be as per the instruction respectively.
- To study on The Central Government may maintain a National Register of Indian citizens and establish a National Registration Authority for that a purpose.

V. Method of the study

It's a theoretical study one, we follows the secondary source of information from the website, book, journal etc. on the other hand we followed the latest judgment on different court like in the region regarding the CAA.

VI. Findings

The NRC is a register for all Indian citizens which was made mandatory through the citizenship Act 1955 as amended in 2003 and 2004. This register has not yet been implemented in states other than Assam. The ruling Bharatiya Janata Party has promised to implement the NRC for the whole of India. Section 14A of the citizenship Act 2003, Citizenship Act 1955 adds a number of important issues for the issuance of National Identify Card –

1. The Central Government can compulsory register every citizen of India for identification and issue him/her a National identity card.
2. For this aim, the Central Government may keep a National Register of Indian nationals and establish a National Registration Authority.⁵
3. The Registrar General will be active as the National Registration Authority appointed under sub-section (1) of Section 3 of the Registration General, India Birth and Death Registration Act, 1969 (18 of 1969) on and after the commencement of Citizenship Amendment Act, 2003 will act as general.
4. The Central Government may appoint other officers and employees to assist the Registrar General of Citizen Registration in carrying out Registrar his duties and responsibilities.
5. The procedure to be followed in the compulsory registration of citizens of India will be as per the instruction respectively.⁶
6. The Central Government will conduct house to house counts across the country to collect details relating to each family and individual, including the status of civil right living in a local area for the purpose of National registration of Indian citizens.⁷
7. The Registrar General of Citizen Registration shall inform in the official declaration the duration of the count.⁸
8. For the preparation of the local register and for the inclusion of Indian citizens, the details collected by each family and one person in the population register will be verified and sorted by the local registrar. The local registrar, may be assisted by one or more persons specified by the Registrar General of Citizen Registration.
9. During the verification process, the details of the persons whose citizenship is in doubt will be written by the local registrar in the population register for further investigation along with appropriate comments and the person or family will be informed about the suspicious citizenship in a certain manner as soon as the verification process is over.

As defined with the aid of using the Ministry of Home Affairs in December 2018, the Citizenship Act of 1955 affords for the obligatory registration of each citizen of India and the issuance of the country wide perceive card to him. Under the Citizenship Act of 1955 the Citizenship Rules of 2003 set out the technique for guidance of National registration of citizens.⁹

VII. Constitution views

According to the Constitution of India which came into force in 1955, all the residents of the country are citizens of India. Seven years independence, the Government of India passed the Citizenship Act in 1955. The Citizenship Act of 1955 required one to stay in India for eleven out of the last fourteen years with the rule of staying in India for twelve consecutive months in order to get citizenship in India. But the second part of the 2019 citizenship Amendment Act has been changed. For the followers of certain religion from Bangladesh, Pakistan and Afghanistan, the eleven years period has been reduced from tomorrow to six years stay in India. Under the Citizenship Act of 1955, any person living in India or whose parents are Indian or who has lived in India for a certain period of time, is eligible for Indian citizenship. Illegal immigrants cannot be citizens of India. The law defines illegal immigrants as, (1) If you have entered India without a Passport-Visa. (2) If a person resides in this country for more than a certain period of time after entering with legal documents, then he will be considered as foreign illegal immigrants. According to the Foreigners Act 1946 and the Passport Act 1920, illegal immigrants will either be deported or sent to jail.

VIII. Acts specific study

Citizenship Amendment Act 2003 the main changes to the Citizenship Act 1955 are – (1) Define illegal intruder, (2) Identify illegal immigrants through the NRC, including undocumented legal nationals with the risk of being identified as illegal immigrants (as has happened in Assam), (3) Closing the way for illegal immigrants to apply for citizenship through registration. And (4) The conditions for obtaining citizenship by birth are difficult (any person born in India between 26th January 1950 and 1st July 1987 shall be an Indian citizen by birth [Article 3(1)(a)]. He will be an Indian if he was born in India between 1st July 1987 and 3 December 2004 and any one of his parents is Indian [Article (1) (b)]. If born in India on or after 3 December 2004, he will be an Indian citizen only if both his parents are Indian Citizens [Article 3(1)(c)]. Thus citizenship was first added to the condition of birth as an Indian in 1986, then the Citizenship Act was amended again in 2003 to add that both parents must be Indian in addition to being born in India) turning the children of illegal immigrants into stateless people at birth.

IX. Policy related study

India did not sign the 1951 UN convention. As a result, there is no National Policy on asylum seekers in India. All asylum seekers are referred to as illegal immigrants in India, although one of the traditions of India is that India accepts asylum seekers and it started from the time of Jawaharlal Nehru. His policy was that all these asylum seekers would be repatriated if their situation returned to normal. However, under the provisions of the Citizenship Act of 1955, Overseas Citizenship of India is granted. As a result, they can stay in India if they are of foreign Indian descent or married to an Indian. You can travel anywhere, study at any education institution and work anywhere. According to the new citizenship amendment, even if the OCI card recipients retain these benefits, the center can revoke the OCI card if they violate any law. The new amendment provides an opportunity to defend oneself before repealing.

In 1915 and 1916, the Government of India granted exemption to certain groups in the case of illegal immigrants under the 1946 and 1920 Acts. Hindus, Persians Buddhists, Jain, any Christians who came to India from Bangladesh, Afghanistan and Pakistan on or before December 31, 2014 were exempted. This means that even if members of that religions group of illegal immigrants live in India without legal documents, they will not be sent to jail or to their own country. It is for this purpose that the Citizenship Amendment Bill 2016 has been introduced in Parliament to amend the 1955 Citizenship Bill to grant Indian citizenship to these individuals.

X. Democratic study

Firstly, the bill was initiated in the parliament on July 19, 2016. The bill was sent to the joint Parliament Committee on August 12 of that year. The report was submitted by the committee on January 7, 2019. The next day, on January 8, 2019, the bill was passed in the Lok Sabha. The introduction of the bill in the Rajya Sabha was postponed due to opposition politics and opposition from the common man in the North-east of India. Ordinary people there are not interested in taking immigrants from other countries, because they were afraid of losing the local culture under the pressure of additional immigrants. As per the rules, the bill was rejected as the term of the 16th Lok Sabha had expired. After the formation of the 17th Lok Sabha on December 4, 2019, the Union Minister of India got the go-ahead to re-introduce the bill in Parliament. On December 9, 2019, Home Minister Amit Shah introduced the amendment bill in the Lok Sabha and after much debate, the bill was passed on December 10, 2019. 311 MPs voted in favor of the bill and 80 MPs voted against it on 11 December 2019 in the Rajya Sabha the bill was passed. In Rajya Sabha, 125 votes were cast in favor and 105 against. The law came into force on 12 December 2019 with the publication of the State Gazette after the consent of the President of India.

The new law has been strongly opposed in Assam. The reason for opposition in Assam is not about who is left out of the law, but about how many people are getting the opportunity to be included. The Assam movement was formed from 1979 to 1985 centered on immigration from Bangladesh over the years, more immigrants from Bangladesh settled in Assam than in any other region. Many Assamese feared that their language and culture would be eroded by excessive immigration, along with pressure on land resources and the loss of job opportunities. For many years, millions of Bengali – speaking people in Assam have been living illegally in Assam. In 1985, the ruling Rajiv Gandhi Government was forced to sign the Assam accord with the political leaders and Activists in Assam. It is said that in order to get a peace in the civil register, the residents have to prove that they started living in the state before the beginning of the war of independence of Bangladesh, i.e. before March 24, 1971, i.e. if they enter Assam before March 24, 1971, citizenship will be granted. The new citizenship law has made the Assam accord completely worthless, so the 'North East Student Organization, student organization, has strongly opposed the law, with the BJP's ally in Assam withdrawing support from the 'Assam Peoples Party' Coalition Government over disagreement over the bill. The 1985 Assam Accord calls for the repatriation of foreigners who entered the country after March 24, 1971. The NRC has been updated to identify Bangladeshis who have entered Assam since March 24, 1971. In this case, the Citizenship Amendment Act and the NRC will be in conflict. Those who entered Assam after March 24, 1971, no longer have to go through the repatriation process. Because the amendment law says give citizenship benefits to non-Muslims who entered before 31st December 2014.

XI. Government actions related study

In Assam, the final list of National Civil registers was published in August 2019. That list did not include the names of about 1.9 million immigrants who were at risk of losing their citizenship. The majority of these non-included migrants or Hindus, who are again one of the vote bank of the BJP government. The new amendment law in 2019 will solve as a defense shield for non-muslim immigrants in Assam. Because under the new law, the Indian government will not be able to arrest, deport or otherwise harass non-

Muslim immigrants. On November 19, 2019, Home Minister Amit Shah announced in the Rajya Sabha of the Indian Parliament that the National Registration of Citizens (NRC) would be effective across the country. However, in view of the number and concerns of the North-eastern states, the Citizenship Amendment Bill has been omitted in the Inner Line permit areas of Arunachal Pradesh, Nagaland, Mizoram and the Sixth Scheduled Areas in the North East. As a result, those who become Indian citizens under the Citizenship Amendment Bill will not be able to be residents of Arunachal Pradesh, Nagaland and Mizoram. In the meantime, the ban will also apply to those who are Indian citizens. At the same time, large parts of Assam, Meghalaya and Tripura will be excluded from the scope of the bill as they are included in the sixth schedule.

¹⁰Although the law speaks of non-muslim refugees from Bangladesh, Pakistan and Afghanistan, it is silent on Hindu refugees in Srilanka. Dravida Munne Kargam, a supporter of the Biju Janata Dal and Shivsena, expressed his desire for Tamil Hindus from Srilanka to get Spontaneous Citizenship. The act does not address the issue of 29,500 hill country Tamils living in refugee camps in Tamilnadu. Many of them are not recognized as Indian citizens by marrying Indian citizens. According to the June 2019 High Court rule, they can apply for citizenship if they want and be elected as citizens.

Criticism from various quarters began soon after the amendment was passed according to Human Rights watch, the amendment bill discriminates against Muslim's and is against international law. The UN'S Human Right's body has called for a review of India's new citizenship law, calling it discriminatory against Muslim's. Many feel that the registration of national citizen's and the use of this new law will deprive Muslim immigrants of statehood. Analysts have questioned the bill's silence on minorities in neighboring countries such as Tibet, Sri Lanka and Myanmar.

After the passage of this bill, intense agitation started all over India. Protests erupted in Assam and other north-eastern states, fearing that non-muslim's gaining citizenship in Assam and the north eastern states would become Bengali – dominated and the local culture would be lost. Protesters say the bill discriminates against muslim's. Large protests have taken place in various Indian Universities such as Aligarh Muslim University and Jamia Millia Islamia. Many states have announced that they will not allow the implementation of this law. However, the Home Minister said in a statement that the CAB (Citizenship Amendment Bill) will be implemented by reducing the power of the state if necessary. Violent protests erupted in metro politan cities like Kolkata, Delhi, Mumbai, Bangalore, Hyderabad and Jaipur in India. Protesters say Muslim refugees and immigrants should get Indian Citizenship as a secular state. On December 23, 2019, the Prime Minister of India said that there is no reason for Muslims who are children of this land, Indian Muslims to be afraid. This amending law will not effect any Indian.

According to Sections 5 any 6 of the Citizenship Act of the Government of India, in order for a foreigner to obtain citizenship, he has to follow certain legal procedures other than religious affiliation. The Home Ministry has claimed that over the past few years thousands of Muslims have applied for and obtained citizenship through this provision. They will also get citizenship in the future on the basis of merit. Citizenship will not be granted on the basis of religion. After resolving the Indo-Bangladesh enclave issue in 2014, 14,864 Bangladeshi Nationals have been granted Indian citizenship. There are thousands of Muslims among them.

Among the non-BJP states- Madhya Pradesh, Chhattisgarh, West Bengal, Punjab, Kerala, Rajasthan and the Pondicherry Union Territory- will not enforce the law. States will not implement the Citizenship Amendment Act, the Home Ministry said in a statement in the face of such a proposal, adding that state governments have no right to reject citizenship laws. This law is already listed in the seventh schedule of the constitution. No state has the right to reject any law one list.

The Union Muslim League of India filed a petition in the Supreme Court of India declaring the law illegal. The royal family of Tripura appealed to the Supreme Court against the Citizenship Act. The Supreme Court of India issued a Notice to the Central Government of India on 18 December 2019, responding to 60 petitions challenging the constitutional validity of the Citizenship Amendment Act on the basis of religion. But the judiciary rejected the application to stay the Citizenship Amendment Act.

XII. States based study

Citizenship is the name of a persons relationship with the state. Members of the state are called citizens, that is, voters in general are citizens – this policy is acceptable. Those who have a name on the voter card or voter list or have a PRC or have birth certificate or have land deeds or have a passport or have proof of employment or pension, are not barred from doing NRC across the country by accepting them as citizens. But in Assam, when the present government is trying to do NRC by drawing the line in 1971, its debate has started not only in the country but all over the world. We have seen that the Citizenship Act has been amended many times in India and there is a debate on this Citizenship Amendment Act. The most controversial issue is the 2019 citizenship Amendment Act. This controversy has once again provoked the tragic and chaotic situation during the partition of 1947 the birth of the muslim country of Pakistan. At the time there were bloody riots area killings in both India and Pakistan. Millions of Hindus and Sikhs from the Punjab, Sindh and North-West frontier provinces migrated to India in fear for their lives and mainly Muslim's from Punjab, Delhi and Uttar Pradesh migrated to Pakistan. At that time there was no demarcated border between India and Afghanistan and many Hindus and Sikhs migrated to India from Afghanistan as the people of this land had free movement.

This exchange of people between the two countries was not co-ordinated then. Because at that time many did not want to leave their country and go to another country, despite the desire of many could not go. The most horrific from took place in 1971 during the independence struggle of Bangladesh. Thousands of people came to India from present day Bangladesh after being subjected to inhuman torture in East Pakistan. Who have been identified as refugees. Although this violence was less wide spread between India and East Pakistan (now Bangladesh) during the partition, refugees from Bangladesh have been coming to India continuously for seven decades. Sadly, the minority Hindus of Bangladesh are still being persecuted and coming to India. It would not be wrong to say that the number of refugees in West Bengal alone is 2 to 3 crore. Those who have long voted as citizens of India, who have all kinds of credentials as citizens, have continued to perform all kinds of duties as citizens of India without

considering themselves refugees. Therefore, it is natural to have a controversy when the new citizenship law of 2019 is passed and these citizens are given new citizenship with the refugee badge.

XIII. Foreigner based study

Pakistan religious minorities have been horribly persecuted. There has been less torture in Bangladesh and Afghanistan. These persecuted minorities have sought refuge in India and the Indian government is granting them citizenship on a temporary basis. India is morally obliged to rehabilitate the victims from neighboring countries and for decades leaders of all political parties in India have publicly spoken out in support of it. Former Indian Prime Minister Manmohan Singh has publicly spoken out in favor of granting citizenship to Sikhs from Pakistan.

Why is there so much fuss about the new Citizenship Amendment Law? If those who are already citizens of India have to go to detention camps to get new citizenship, deprived of all government facilities, then it is normal to shout. Opposition parties in India are using the simple issue politically in the hope of gaining power. They are creating Hindu-Muslim differences. Hindus and Muslims are fearful that then citizenship will be taken away. These parties have traditionally been using Hindus and Muslims as a vote bank, instilling fears of insecurity. The panic that is spreading in India that there is no pluralistic society is not going to last. Because, in an India where followers of all religion feel safe and where no one feels discriminated against, there is strong and strong support from the people for India. India needs to be told clearly and unequivocally : Indian Hindus and Muslims are an integral part of Indian society and India is their country.

The migration of people from one region to another, permanent settlement but not today's story, has been going on since ancient times. The arrival of Aryans in India is one of the examples. So in today's India that is demanding the repatriation of infiltrators, every human being in the world has to do a DNA test to see where their ancestors came from. The people of Bangladesh do not infiltrate only in India. People from India also entered Bangladesh illegally. According to a 2013 report, there were about 5 lakh Indians in Bangladesh. Not only in Bangladesh, but all over the world, there are such Indian citizens as infiltrators. Only non-human being can support atrocities such as the expulsion of refugees or infiltrators. If this work is correct, then the role of Shiv Sena, the symbol of Marathi fascism or Maharashtra Navanirman Seva is also correct. They also occasionally shout that Maharashtra is only for the Marathi people, the poor non-Marathi people will be evicted.

XIV. Conclusion:

Citizens of the state enjoy all the rights, including the right to buy property, to vote and the stand for election. But non-citizens do not have these right. The Indian government says that country is full of illegal immigrants or fake citizens. These illegal immigrants are legally enjoying all the benefits of India. As a result, a new list of citizens has to be made. Illegal intruders must be excluded from all rights. However, the Indian government says those who are illegal immigrants have a lot of documents, including voter cards, ration cards and Aadhar cards. Do not all these identity cards carry the identify of a citizen?

Everyone must be respectful of the authority of Parliament and the constitutional institution. Laws that are formally passed after open debate in Parliament cannot be overturned because of the open crowds on the streets or the rhetoric of politicians. No law passed by Parliament has the power to block state government and state legislators. In this situation, all political parties will behave responsibly and lead the public opinion in a constructive manner. Due to this citizenship law, human, physical, political and economic right of the people should not be interfered with – that is what should be desirable.

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