International Journal of Juridical Studies & Research (IJJSR), Vol. 1, Issue 2, December 2021 Page 27-41

LEGITIMACY OF CITIZENSHIP AMENDMENT ACT

SARANSH GOYAL

ABSTRACT

Citizenship occupies a predominant position for every person, as it is the root of all the rights. In the recent past the Government enacted *Citizenship Amendment Act India* was enshrouded in deep controversy. This paper therefore endeavours to find the legal validity of the criticisms of the *Act* on the various grounds such as those based upon Morality, Cut-off dates, Policy matters, Secularism, Motives etc. The paper has looked into various decisions of the Courts in order to examine the Constitution validity between the criticisms and the *Unions* competency to enact laws. This reading would encapsulate the scope of the legislature to endow citizenship upon an individual or to take away the privilege. Much of the criticism in recent times is based on emotions and motives, but the legality of the laws are to be looked into from the view point of legislative competency. And therefore the paper herein looks at the legal nuances legislative enactments vis-à-vis the *Act* in study. The paper could prove beneficial as at the time of writing of this paper, the petition relating to *Citizenship Amendment Act* was still pending in the Hon'ble Supreme Court.

Keywords- Motives, Reasonable Classification, Constitutionalism, Policy, Citizenship Amendment Act, citizen

INTRODUCTION

The subject '*Citizenship'* has an important implication for practical reasons. It is obtained *optimo jure*[i] and it casts such State-membership with superior privileges and places them on higher pedestal to that of aliens in terms of legal rights. Certain *Fundamental Rights* are conferred only on the Citizens as also is the case in holding of certain *Public Office*.

However '*citizen'* should not be confused with term *'national'* although very often it's used synonymously, because the later has much broader significance than the former. All persons' possessing the nationality need not necessarily have right to suffrage which is a special right possessed by the citizen.

Citizenship has been defined as membership of a political society which implies duty of allegiance on the part of the member and a duty of protection on the part on the society.[ii] Before India attained independence, the issue of citizenship did not pose too much issue, for all the subjects of British Empire and Commonwealth possessed a common British nationality.[iii] However after she gained Sovereign Democratic and Republic status, the *British Nationality Act, 1948* accorded her with privilege to make laws, by own legislation, to determine as to who are its citizens.[iv]

With problems created by the partition of till then undivided India, there was large scale migration of people and therefore the Constitution ensued to provide for the citizenship. Citizenship has been dealt under Article 5 to 10 of the Constitution of India, of which Article 6 and 7 deal with the citizenship which is in perspective of problems created by partition and migration. The Constitution itself confers the *Parliament* to override those articles vide Article 11.

Article 11 enables the parliament to legislate on the continuance of the citizenship and thus the parliament enacted the *Citizenship Act,* 1955 which received the Presidents assent on 30th December 1955. This *Act* provides for citizenship by birth, descent, registration and naturalization.

The Citizenship (Amendment) Act, 2019 (hereinafter *Act*) received the assent of the President on 12th of December, 2019. The *Act* has in total *6 Sections*. The *Act* intends to insert certain provisions in *The Citizenship Act, 1955* which seeks to grant the citizenship to those who have entered India as an illegal migrants if they belong to religious minority communities, who are compelled or forced to seek shelter in India due to persecution on the ground of religion.

Section 2 of this act, which created the controversy stated thus:

> *Provided that any person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan, who entered into India on or before the 31st day of 2014 and who has been exempted by the Central Government by or under clause (c) of sub-section (2) of section 3 of the Passport (Entry into India) Act 1920 or from the application of the provision of the Foreigner Act 1946 or any rule or order made thereunder, shall not be treated as illegal migrant for the purposes of the Act.*

The *Act* further states in section 6:

> *Provided that for the person belonging to Hindu, Sikh, Buddhist, Jain Parsi or Christian community in Afghanistan, Bangladesh or Pakistan, the aggregate period of residency or service of Government in India as required under this clause shall be read as 'not less than five years' in place of 'not less than eleven years'.*

Thus it relaxes naturalization process as the requisite years of residency has been reduced from eleven years to five years for those specified class of illegal migrants. However the provisions of it will be applicable only in regards those illegal migrants who have entered India on or before 31st December 2014. An illegal migrant would be a person who enters the country without valid travel documents like a passport and visa or has entered with valid documents, but stays beyond the permitted time period. Such illegal migrants are dealt by *Foreigners Act 1946* and *The Passport (entry into India) Act, 1920.*

The *Act* which initially rose into hullaballoo in the North-East India, tries to pacify the demographic sentiments of those people against granting the Citizenship by providing protection for them, by insertion of Clause 4 to Section 3 of the *Act* that states:

> *Nothing in this section shall apply to tribal area of Assam, Meghalaya, Mizoram or Tripura as included in the Sixth Schedule to the Constitution and the area covered under 'The Inner Line' notified under the Bengal Eastern Frontier Regulation, 1873.*

The amendment Act is thus designed to confer the *benefit* to certain class of persons who are identified as forming a separate class. However the classification has been challenged and the fundamental criticism in it has been the ground that it specifically targets certain sections of class and thus non equal treatment of the equals is being perpetrated. Herein under we look at some of the relevant points for criticism.

SECULARISM

Whether the class which has been identified and placed together is discriminatory or not, can be ascertained by looking into the principles as enshrined in Article 14 of the Indian Constitution. However it would be fruitful to consider secularism first as it is the primary criticism of the *Act.* Without going too depth, the first scope would be to look at the rights

conferred by the Article 25-27, which specifically deals with the religion so as to find the rights and to ascertain the violation of those rights.

Religion is a matter of faith and belief, and Secularism essentially connotes the State neutrality in matters of religion. Secularism amplifies the doctrine that the State shall not identify itself with any particular religion. It however does not mean irreligion. It rather means that the State shall hold equal respect for all faiths and religions and therefore all the religious groups will enjoy the same constitutional protection without any favour or discrimination. The State is neither pro nor anti any particular religion. Thus the secular State does not extend patronage to any particular religion. In *M Ismail Faruqui v. UOI*[v] the court has passed the observation that secularism is one of the facet of the right to equality in our Constitution.

In *S.R. Bommai v. UOI*[vi] the court while referring to the concept of secularism had held that it mandates religious tolerance and equal treatment of all religious groups and protection of their life and property and it forms a *basic structure* of the Indian Constitution. Therefore the concept of secularism is not merely a passive attitude of religious tolerance, but it is also a positive concept of equal treatment of all religions.[vii] However in contemporary times the religion has become a very volatile subject in India.

Article 25 which confers freedom of conscience and the right to freely practice, profess and propagate religion states that it will be subject to public order, morality and health and to the other provisions of the fundamental rights. As an appendage to it, Article 26, further conjoins to state that every religious denomination or any section thereof shall have the right to establish and maintain institutions for religious and charitable purposes; to manage its own affairs in the matters of religion; to own and acquire movable and immovable property; to administer such property in accordance with the law.

The freedom of the religious practices are further promoted by Article 27 when it says that no person shall be compelled to pay any taxes which would be so used for the promotion or maintenance of any particular religion or religious denomination. Further the beads of secularism are deep embedded in educational institutions which are maintained by the State or are aided by it by restricting such institutions from giving religious instructions.

Now therefore the secularism principle essentially envisages a concept whereby there is freedom to express ones religious affinity freely by way of professing, practicing and propagating the religion. Looking at the above mentioned provisions it can be seen that the

Citizenship amendment act does not hamper the *freedoms* guaranteed in the *said articles* by way of interferences to the secularism principle.

However other principle of secularism is *State neutrality* in terms of non-discrimination on the basis of the religion. And therefore the basic premise of the contentions placed against the act that it is discriminatory of the secularism principle, as it differentiates people on the basis of religion, needs to be looked into.

REASONABLE CLASSIFICATION

The second criticism in the nature of bad classification being made in granting the citizenship requires to be addressed now. The necessary question which does entail upon is as to whether no classification can be made on the basis of the religion? Therefore it would be fruitful to consider the principle of equality and doctrine of *Reasonable Classification* associated with it.

Equality is a basic feature of the Constitution[viii] and it forms the *fon juris*[ix] of our Constitution. It envisages that all persons are born equal and therefore no persons shall be denied *equality before law* and *equal protection of laws*.[x] But men can be different by *nature, attainment or circumstances* and therefore mechanical application of doctrines of equality may result in injustice.[xi] Therefore the court while interpreting the Constitution has not construed equality principle in an abstract sense and thereby the court has evolved the principle of *reasonable classification*.

The court has underscored the fact that the true purpose of the Article 14 therefore lies in treating all persons who are similarly circumstanced, *alike,* in terms of *privileges conferred* as well as the *liabilities imposed*. Therefore the equals should be treated equally and un-equals should not be treated equally.[xii] Hence the law postulates the application of same laws alike and without discrimination, to all those persons who are similarly situated.

To meet varying needs of different classes or sections of people, necessarily differential and separate treatment would have to be meted out. Thus *reasonable classification* of a section of persons would not amount to discrimination.[xiii] The law will operate alike for all those under like circumstances and thus they will be placed under equal footing. Therefore likes will not be denied like treatment in the absence of valid classification.

Article 14 forbids *class legislation* and not *classification for the purpose of legislation*.[xiv] Thus if the legislature *reasonably classifies* the persons for legislative purpose so as to bring them

under well classified class, it cannot be challenged as contravening equality. Thus a law classifying one person or a class of persons, would be construed Constitutional if it is based upon sufficient reason.[xv] Thus a law may be valid even if it is related to a single individual, on account of some special circumstances applicable to him and not to others.[xvi] The classification, which enables the differential treatment of sections of people must however not be arbitrary but must be founded on reasonable grounds based on some qualities or characteristics which are found amongst the persons grouped together and not in others who are left out. Also those qualities and characteristics upon which the classification is founded must have a reasonable relation to the object of the legislation.[xvii] Therefore the reasonable classification doctrine must pass the dual test of *intelligible differentia* and differentia adopted as basis of classification must have a *rational/reasonable nexus* with the *object of the statute* in the question.[xviii] Thus there must be *nexus* between the *differentia*, which forms the basis of classification and *The Act*.[xix]

Where classification is not based on discernible principle or where mode of performing an act is prescribed, but the authorities deviate from that act then it would be labelled as arbitrary. Thus every State action must be informed by reason.[xx] Thus where there is no reasonable basis for classification, such classification would be declared as discriminatory.[xxi] Equality in Article 14 therefore envisages equality amongst equals; it protects persons who are similarly placed from differential treatment. Hence equality principle does not allow arbitrariness and it ensures fairness and equality for those similarly circumstanced.

In the present case the specified sections of minorities were being compelled or forced to seek shelter in other States due to prosecution on the grounds of the religion. It would be difficult to state that the other sects of Muslims do not face persecution, however the discrimination casted to the Non-Muslims cannot be said to be on the same scale of graph with them either. Therefore they would form a separate class who could be classified together.

Since the presumption is in the favor of the enactment therefore the burden of proof lies upon the critics to show that there is no prosecution on the grounds of religions in the countries included in the *Act*.

UNDER-INCLUSION/OVER-INCLUSION

The other fundamental criticism of the *Act* is that it does not include many other religious people who face persecution in many other countries. And also there is similarly placed

minorities even within certain sect of Muslims. And therefore it is contended that since those people who face similar discrimination on the basis of religion and thus are similarly placed, with the other discriminated minorities who are added in the *Act,* shows patent unconstitutionality of the *Act* due to the reason of non-inclusion or under inclusion. And therefore the need for study of classification necessarily follows so as to have greater clarity on the concept.

It would be folly to state that there ought to be precise mathematical nicety in classification. And on the same count it would also be blatant misuse of power to classify on arbitrary human biasness. In *State of AP v. V. Nallamilli Rami Reddy*[xxii] the apex court has observed that Article 14 does not insist upon classification which is scientifically perfect or logically complete. Thus a law would be valid unless it is patently arbitrary. The law will not become discriminatory merely because due to some circumstance arising out of some peculiar situation some included in the class gets advantage over others, so long as they are not singled out for special treatment.

The court in *Basheer alias NP Basheer v. State of Kerala*[xxiii] has reiterated it by observing that merely because classification was not carried out with mathematical precision, or that there are some categories distributed across the dividing line, would hardly make out a ground for holding that the enactment falls foul of Article 14. As long as there is a discernible classification based on intelligible differentia which advance the object of the legislation, even if a class legislation, would be valid.

It would thus be sufficient enough should there be logical classification with no patent misuse of power. And therefore as long as extent of over-inclusiveness or under-inclusiveness of the classification is *marginal*, the Constitutional vice of infringement of equality principle ought not to infect the legislation. There cannot be perfect equality with absolute scientific basis. There will be certain inequities here and there, and that ought not to offend article 14.[xxiv]

In *Deepak Sibal v. Punjab University*[xxv] the court has made the observation that the classification need not be made with *mathematical precision*. However if there is little or no difference between those grouped together and those left out, then the classification is liable to being held as unreasonable. Moreover if the object is illogical, unfair and unjust then also the classification would be nullified.

Now, the question as aroused by the petitioners against the amendment act is that it should indeed have included the persons who are in similar standing, as are facing the discrimination

of the majority community. Therefore the basic contention, necessarily means, that the legislature ought to have made a broader criterion for identifying the class of person who would be getting the benefit of the enactment. At this point it would be proper to point out that the benefit which is being accrued herein would to bear in mind the economic capacity of the nation. The nation cannot be financially over burdened with superfluous magnanimity. Further, argument that the law is ultra vires as does not accommodate the citizens of every other country where such discrimination is made out, are all a very tenuous argument, for in that case, India, indeed could have done away with the borders as well.[xxvi]

The lack of magnanimity of the legislation does not cause the law to be ultra vires. It has to be limited within the constraints of the State capability. Therefore it will have to take into account various factors; financial resource amongst others. Moreover, it is essentially a policy decision intended to confer *benefit* and not to put someone at *disadvantage*.

However it must be remembered that to overdo classification is to undo equality. The process of classification cannot merely magnify in-substantial or microscopic differences. The over emphasis of classification principle may gradually deprive the article of its precious content and may end up in replacing doctrine of equality by doctrine of classification.[xxvii] The doctrine of classification is only a subsidiary rule evolved by the court to give practical content to the doctrine of equality.[xxviii]

CLASS LEGISLATION ON BASIS OF RELIGION

All marks of distinction does not justify the classification. The justification of the classification must be sought beyond the classification, by asking as to whether the differences are relevant to the goals sought to be reached by the law which seeks to classify. What also needs to be acknowledged is that Article 14 is an attitude of mind, a way of life rather than a precise rule of law…for the decisions of the court may vary as the conditions vary, thus the *question of fact* must be ascertained by the judges.[xxix]

The subject matter of classification may depend on subject matter of legislation, conditions of the country, socio-economic and political factors at work and therefore there may be varied constitutional interpretation from statute to statute, fact to fact, situation to situation and subject matter to subject matter.[xxx]

For the classification to be valid it is not necessary that the basis of classification should appear on the face of law. Where there are doubts, the court may in order to ascertain the true reasons or basis, may depend on the relevant materials such as objects and reasons appended to the bills, parliamentary debates, background circumstance, affidavits of the parties, matters of common knowledge etc.[xxxi]

Now the contention which is placed is that, the classification is based upon '*Religion'* and it would be hitting the very basic principle of Secularism. Another contention moreover is on ground that Article 15 prohibits any discrimination on the basis of the religion. Article 15 clause 1, which is relevant in the present context, reads as follows:

> *The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.*

This article prohibits differentiation on certain grounds as mentioned thus this protective clause endeavours to foster national identity. This clause is applicable against the discrimination towards the citizens. The general principle of classification which applies to Article 14 applies to Article 15(1) as well, as not all the persons might not be similarly situated, and more so because Article 15 is a facet of Article 14.

Article 14 is the genus of which Article 15 is a species. It should be noted that the provision in Article 15 prohibits States action of discrimination against its *own citizens*, however an assumption cannot be drawn out from this interpretation, that the discrimination to the *non-citizens* can be absolutely unfettered, so because it has to be remembered that Article 15 is an extension of Article 14 and cannot be read in exclusion.

The primary question therefore comes down to this, that, *whether the State is empowered to classify the people on the basis of religion or not? Is all classifications based on religion bad?* Classification done on the basis of the religion cannot be held per-se unconstitutional. As classification of non-citizens on the grounds of religion is permitted under Article 15. However the classification of non-citizens cannot be of such nature as to destroy the very basic foundation or tenets of equality.

Classification must be based on *intelligible differentia* and must have *rational nexus* without being *arbitrary.* In the present case there is presence of intelligible differentia and rational nexus in the classification on the basis of religion and therefore the classification is good. Some

minorities of the Muslims also face prosecution and therefore they can also be included, however such a decision would be a *policy* decision, has been dealt in section hereinbefore.

POLICY, MORALITY AND MOTIVE

The other criticism are based upon *policy, morality and motive.* Therefore it becomes pertinent to consider the efficacy of the laws vis-à-vis this concepts. It has been oft stated doctrine of the court itself that the court can use the power of Judicial Review to consider the legality of the policy, but ought not to consider the wisdom or the soundness of the *policy*. The court believes it ought not to sit as advisors or appellate authority to examine the correctness, suitability or appropriateness of the *policies* made by the government which is within their legitimate sphere.[xxxii] Essentially so because this domain is beyond the expertise of the court. And more so because it would be treading into unknown spheres if it juggles into making policy decisions. The courts ought not to divine and scrutinise the policy, for the propriety, expediency and necessity of a legislative act are for the determination of the legislative authority.[xxxiii] However certainly the court is not eroded off the power to review the actions of the executive wherever claims of arbitrariness superpowers. Moreover the court should not pronounce the law to be invalid merely because there is possibility that the power may be abused even though the guidelines are provided therein.

Another criticism which has been attributed to the enactment is that the legislation has enacted it with the ill *motive*, which is clearly to benefit one class of persons from the other, on the differentiation based upon religion, thus is *immoral*.

Motive is but a matter, which has been observed by the court numerous times as no more remains *res-integra,* is irrelevant if the legislature which passed the law was competent to pass the enactment.[xxxiv] The question of *bona fides* or *mala fides* is irrelevant.[xxxv] There can be no question on the validity of the enactment merely on the ground of colourable exercise of power if it has the competency to pass the Act.[xxxvi] Therefore the question which only needs to be ascertained is as to whether the court lacks the requisite competence to enact the impugned Act or not and not a throbbing enquiry into the *motive* which persuaded the legislature into passing the Act.[xxxvii] If the legislature lacks the competency, then even if law is enacted with the best of motives, it would be invalid. Motive cannot suggest the parliamentary incompetency to enact a law.[xxxviii] Entry 17 of List 1 under Schedule 7 provides the *Parliament* with exclusive power to make laws in regards to citizenship.

CUT-OFF DATES

Some of the critics observe that the fixing of the dates is discriminatory as there was no rational ground as to the choice of the date fixed as cut-off date. Court has stated earlier that the State has the legitimate power to make or revise the salaries or scale of pay, and it ought to be assumed that the power to specify a cut-off date is concomitant of said power. Thus so long as the specified date is not discriminatory between the persons similarly situated, it cannot be declared void.[xxxix]

The State therefore is entitled to fix a cut-off date. Such as decision can only be struck down when it is arbitrary. The court normally ought not to interfere with such executive actions. The court in *Ramrao v. All India Backward Class Bank Employees Welfare Association*[xl] held that mere fact that some of the sections of society would face hardship, is by itself not a valid ground for holding that the cut-off date is ultra vires the Article 14.

Various grounds need to be taken into consideration while the dates are being fixed. Financial constraint is one such valid ground for the fixation of the cut-off date.[xli] This is so because the cut-off dates must be stipulated while taking into consideration the financial resources available with the government.

GEOGRAPHICAL DIFFERENTIATION

The contention also has been made that the classification which is done is ultra vires, as some of the countries have been accorded with the advantages of the provisions, whereas some countries, with similar standing, is not included and thus the discrimination pervades the very basis of classification.

The court has held in *Clarence Pais v. UOI*[xlii] that geographical conditions can form a valid basis of classification for the purpose of legislation, if it has some historical reasons, which bears a just and reasonable reason for differential treatment. An act cannot be held to be discriminatory merely because it does not uniformly apply to whole State.[xliii]

The court has therefore in catena of cases has held upheld the law, if it prevails over in some part of the State on the ground that the differentiation arises from historical reasons. Thus implementing the same law to all of the State is not the requirement of the equality protection

clause in Article 14.[xliv] There can be no discrimination which can be attributed to the law, if it is to begin with, applied to selected areas in the State.[xlv]

PRESUMPTION IN FAVOUR OF ENACTMENTS

Initial presumption is ordinarily always in favor of the enactments.[xlvi] The presumption of Constitutionality leans in States favor as legislature has wide power of classification in order to give effect to the policies. Moreover it must be presumed that the legislature understands and correctly appreciates the needs of own people. Furthermore it ought to be presumed that the legislature would not exercise the power arbitrarily.[xlvii]

When a person seeks to impeach the validity of law, the burden befalls upon him to plead and prove the infirmity of the enactment. He needs to place before the court sufficient materials in favour of his contentions. A mere plea would not suffice. He should show the court that he was treated differently from the persons who are similarly situated without any justifiable reasons.

Although the court are to presume the Constitutionality of enactment, it cannot be pushed to such absurd length so as to uphold some possible or hypothetical and unknown reasons as the basis of classification. There can be existence of *malice in law.*[xlviii] If there is discrimination writ large on the face of the legislation, the onus then may shift the State to sustain the validity of the enactment impugned.[xlix]

The benefit of doubt is upheld in favor of the legislature very often. The courts have in many occasions shielded and shown reluctance to void legislations on the ground of contravention or inconsistency with Article 14. This self-limitation has often led to voice of protest from the bench itself as too much judicial anxiety to discover some basis for classification, might eventually led to substitution of equality principle by doctrine of classification.[l] However this observation need not invalidate the judiciaries' belief on the enactment and must place at least a cursory burden of proof on the person alleging the vires of the enactment for otherwise every law would be challenged on, thus keeping the huge population bereft of the benefits accruable therein.

CONCLUSION

It would be quite evident from the above study that the general understanding of the nuances of law is not too common particularly amongst the laymen. Much of their criticism is done on

the ground of emotive ambiance unfolding around them. The legal fraternity however does understand the implications of the laws enacted and their legality and quite possible doesn't agree with those laws due to various interpretations which may not be based upon sound principles of law and its interpretations.

As discussed, where the legislature is competent to enact a law, there the motives doesn't come into consideration. Similarly in case of criticism of under-inclusion or overinclusion one needs to know as discussed, that it need not meet the mathematical nicety. Meanwhile although classification is prohibited on grounds of religion for the citizens, it wouldn't mean that classification can be made as to the non-citizens to absurd extent so as to overrule the main principle of equality and subordinate it to the exception. Meaning thereby, although classification can be based upon religion as regards the non-citizens, nonetheless it must meet the tenets of equality principle and not nullify it altogether. Likewise, as regards the cut-off date and policy decision, it is prerogative of the executive and it shouldn't be ordinarily declared ultra vires unless it doesn't meet the cannons of equality principle.

Thus from the above observations it seems clear that the Citizenship Amendment Act should be declared valid. Since the enactment is well within the mandate of the Constitution and in consonance with the Constitutional principles of legislative interpretations it seems proper to uphold the law unless it derogates the principles of Constitutionalism into nullity.

ENDNOTES

[i] By right or under legal authority [ii] *American Jurisprudence*, 2nd Edition, Vol. 3, P. 982 [iii] Seervai, H.M. '*Constitutional Law of India',* Fourth Edition, Vol. 1, Universal Law Publishing, p. 314. [iv] Halsbury, 3rd ed., Vol. 1, p. 529
[v] AIR 1995 SC 604 [vi]
AIR 1994 SC 1918
[vii] Jain, M.P. '*Indian Constitutional Law',* eight edition, Lexis Nexis Publication, Haryana, India, at p. 1298 [viii] Keshavananda Bharati v. State of Kerala. [ix] Fountain head of justice [x] Article 14. [xi] Jain, M.P. '*Indian Constitutional Law',* eight edition, Lexis Nexis Publication, Haryana, India, at p. 909. [xii] TMA Pai Foundation v. Karnataka (2002) 4 SC 2562 [xiii] Ashutosh Gupta v. State of Rajasthan (2002) 4 SCC 34 [xiv] State of Mysore v. P Narasinga Rao, AIR 1968 SC 349 [xv] Chiranjit Lal Chowdhury v. UOI, AIR 1951 SC 41 [xvi] Ram Krishna Dalmia v. S.R. Tendolkar, AIR 1958 SC 538 [xvii] Vikram Cement v. State of MP. (2015) 11 SCC 708 [xviii] Javed v. State of Haryana, AIR 2003 SC 3057 [xix] Re Special Courts Bill, 1978, AIR 1979 SC 478 [xx] Bannari Amman Sugars Ltd. v. CTO 2004 JT 500 [xxi] S Seshachalam v. Bar council of TN 2014 (16) SCC 72 [xxii] (2001) 7 SCC 708 [xxiii] AIR 2004 SC 2757
[xxiv] HP Gupta v. UOI (2002) 10 SCC 658 [xxv]
AIR 1989 SC 903

[xxvi] Harish Salve, '*CAA is necessary: Why the many arguments about its being unconstitutional don't hold water',* Times of India, March 5th, 2020.
[xxvii] Roop Chand Adlakha v. Delhi Development Authority, AIR 1989 SC 309 [xxviii] LIC of India v. Consumer education and Research Centre, AIR 1995 SC 1811 [xxix] Bidi Supply Co. v. UOI 1956 SCR 182
[xxx] Chhattisgarh Rural Agriculture Extension Officers Association v. MP, AIR 2004 SC 2020
[xxxi] Jagdish Pandey v. Chancellor, Bihar University, AIR 1968 SC 353 [xxxii] Directorate of film festivals v. Gaurav Ashwin, AIR 2007 SC 1640 [xxxiii] T Venkata Reddy v. State of Andhra Pradesh, AIR 1985 SC 724 [xxxiv] State of Kerala v. Peoples union for civil liberties, (2009) 8 SCC 46 [xxxv] KC Gajapati Narayan Deo v. State of Orissa, AIR 1953 SC 375
[xxxvi] State of Gujarat v. Akhil Gujarat Pravasi VS Mahamandal, AIR 2004 SC 3894 [xxxvii] Dharam Dutt v. UOI, AIR 2004 SC 1295
[xxxviii] RS Joshi v. Ajit Mills, Ahmedabad, AIR 1977 SC 2279 [xxxix] UOI v. Lieut E Lacats, (1997) 7 SCC 334

[xl] AIR 2004 SC 1459
[xli] State of Punjab v. Amar Nath Goyal, AIR 2006 SC 171 [xlii] AIR 2001 SC 1151 [xliii] Kishan Singh v. State of Rajasthan, AIR 1955 SC 795 [xliv] Bhaiya Lal v. State of Madhya Pradesh, AIR 1962 SC 981 [xlv] Collector of Malabar v. E Ebrahim, AIR 1957 SC 688 [xlvi] GK Krishnan v. State of Tamil Nadu, AIR 1975 SC 583 [xlvii] Peoples Union for Civil Liberties v. UOI, AIR 2004 SC 1442 [xlviii] Ibid. (LIC)
[xlix] Dalmia v. Tendolkar, AIR 1958 SC 538 [l] Mohd Shujat Ali v. UOI, AIR 1974 SC 1631