



A COMPREHENSIVE REVIEW OF THE CITIZENSHIP AMENDMENT ACT 2019 IN INDIA: LEGAL, POLITICAL, HISTORICAL, AND SOCIAL PERSPECTIVES

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RESEARCH ARTICLE



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Abstract

The Citizenship Amendment Act (CAA) 2019, passed by the Indian Parliament in December 2019, has provoked intense debate for its departure from India's secular and inclusive citizenship ideals. This PhD-level review examines the CAA from legal, political, historical, and social angles, drawing exclusively on scholarly sources. The Act amended India's citizenship law to offer an expedited path to citizenship for non-Muslim immigrants from Afghanistan, Bangladesh, and Pakistan, raising fundamental constitutional questions. We trace the historical context of citizenship in India from the Partition of 1947 through subsequent legal developments to contextualize the emergence of the CAA. We then analyze the Act's legal framework and its compatibility with the Indian Constitution's guarantees of equality and secularism. The political motivations behind the CAA and the public and political debates it ignited are explored, including nationwide protests and resistance movements.

Keywords: CAA, Citizenship Amendment, Afghanistan, Bangladesh, Pakistan, Hindu, Sikh, Buddhist, Jain, Parsi

Introduction

The Citizenship Amendment Act (CAA) of 2019 is one of the most consequential and contested legal changes in India's recent history. Enacted on 11 December 2019, the CAA amends the Citizenship Act of 1955 by introducing religion-based criteria for citizenship for the first time. Specifically, the Act fast-tracks Indian citizenship for Hindu, Sikh, Buddhist, Jain, Parsi, and Christian immigrants from three neighboring countries – Afghanistan, Bangladesh, and Pakistan – provided they entered India on or before 31 December 2014. Notably, the law explicitly excludes Muslims from this provision, which has sparked fierce debate about its constitutionality and its departure from India's secular ethos.

From a legal perspective, the CAA raises the question of whether offering a benefit to certain religious groups, to the exclusion of others, violates the fundamental right to equality under Article 14 of the Indian Constitution. The Government of India defends the Act as a humanitarian measure to protect persecuted minorities from Islamic neighboring states, asserting that the classification is reasonable and not anti-Muslim since it does not revoke anyone's citizenship (it only grants new citizenship).

Historical Context

To understand the CAA's significance, it is essential to situate it within the historical trajectory of citizenship laws in India. The concept of citizenship in India was profoundly shaped by the Partition of 1947, when British India was divided into a predominantly Hindu India and a Muslim-majority Pakistan. The Partition was accompanied by massive religiously motivated migrations in both directions, yet the framers of the Indian Constitution chose not to make religion a basis for Indian citizenship. In the debates of the Constituent Assembly (1947–1949), India's founders embraced the principle of universal and equal citizenship regardless of religion, ethnicity, or gender, marking a commitment to secularism in the nascent republic (Jayal, 2013). The Constitution of India, which came into force in 1950, enshrined this inclusive approach: Part II of the Constitution (Articles 5–11) defined citizenship at the commencement of the Republic in broad, religion-neutral terms.

The CAA 2019 amends the Indian Citizenship Act, 1955 in a targeted but impactful manner. Key provisions of the CAA include:

- **Relaxed naturalization criteria for certain religious minorities:** The Act creates an exception for persons belonging to the Hindu, Sikh, Buddhist, Jain, Parsi, or Christian communities from Afghanistan, Bangladesh, or Pakistan. Such persons are no longer classified as "illegal migrants" under Indian law, provided they entered India by 31 December 2014. This exception allows them to apply for Indian citizenship through naturalization after a shorter residency period. The normal requirement for naturalization under the 1955 Act is 11 years of residence in the last 14 years; the CAA reduces this

requirement to 5 years for the specified minority groups. In practical terms, the law opened a pathway for tens of thousands of Hindu, Sikh, and other non-Muslim immigrants – who were previously ineligible for citizenship due to undocumented status – to become Indian citizens.

- **No benefits for Muslim refugees:** While the CAA benefits six religious communities, it pointedly excludes Muslims – including sects that face persecution in the named neighboring countries. For example, Ahmadiyya and Shia Muslims who are discriminated against in Pakistan, or Rohingya Muslims fleeing genocide in Myanmar, do not receive any preferential path to Indian citizenship under the Act (Roy, 2024). The law’s text does not mention the word “Muslim,” but by listing only non-Muslim religions it effectively creates a religious criterion for eligibility. This unprecedented introduction of a religious test for citizenship in Indian law is the crux of the legal controversy surrounding the CAA.
- **Other provisions:** The CAA also made a minor but noteworthy change to provisions related to Overseas Citizenship of India (OCI) – a form of long-term visa for persons of Indian origin. It added new grounds for cancelling OCI registration (such as violations of any law), which raised concerns about governmental arbitrariness towards the Indian diaspora. However, the primary focus of legal scrutiny has been on the religious classification described above.

Political Context and Debates

The CAA 2019 cannot be divorced from the political context in which it was conceived and passed. The law was a flagship promise of the Bharatiya Janata Party (BJP), which returned to power with a decisive mandate in the May 2019 general elections. The BJP, rooted in a Hindu nationalist ideology (Hindutva), has long propounded the idea that India is a natural home for Hindus and other non-Muslim people of South Asian origin, whereas Muslims, having partitioned the country to create Pakistan, should not lay further claims on India’s generosity (Roy, 2024). In its 2019 election manifesto, the BJP explicitly mentioned providing citizenship to Hindu refugees from neighboring countries as a priority. Thus, the introduction of the Citizenship Amendment Bill in Parliament in December 2019 was the fruition of a long-standing ideological project. Home Minister Amit Shah, who spearheaded the Bill in Parliament, argued that the CAA was necessary to grant refuge to “Maa Bharati kesantan” (children of Mother India) who had been left stranded in foreign lands where they faced persecution due to their Indian-origin faiths. This rhetoric framed the law as rectifying the unfinished business of Partition by taking care of non-Muslims who “should” have been in India but found themselves in Pakistan or Bangladesh in 1947.

The political debates in Parliament were deeply polarizing. In the parliamentary debates (Lok Sabha on 9–10 December 2019 and Rajya Sabha on 11 December 2019), members of the opposition questioned the selectivity of the law. Opposition parties like the Indian National Congress, Trinamool Congress, Left Front, and others contended that the CAA violated the fundamental secular character of the Constitution and the Assam Accord of 1985. Congress leaders argued that persecuted people should be helped, but the criterion should be persecution regardless of religion, suggesting that the law should be made religion-neutral (for instance, by including persecuted Muslim sects or by using region-based criteria) rather than explicitly excluding Muslims. The Home Minister and other BJP MPs countered that Muslims were not included because they are not a minority in the three specified neighboring countries – in other words, the law is addressing only those who face religious persecution as minorities. “Where will persecuted Hindus and other minorities from these countries go, if not India?” was a frequent refrain from the treasury benches (Foster & Khan, 2021).

Social Implications and Public Response

The enactment of the CAA triggered one of the most significant waves of public protest that India has seen in decades. Social implications of the Act unfolded rapidly in the weeks and months following its passage, as citizens across religious and regional lines took to the streets in response. The nature of the public response varied in different parts of India, reflecting the country’s diversity:

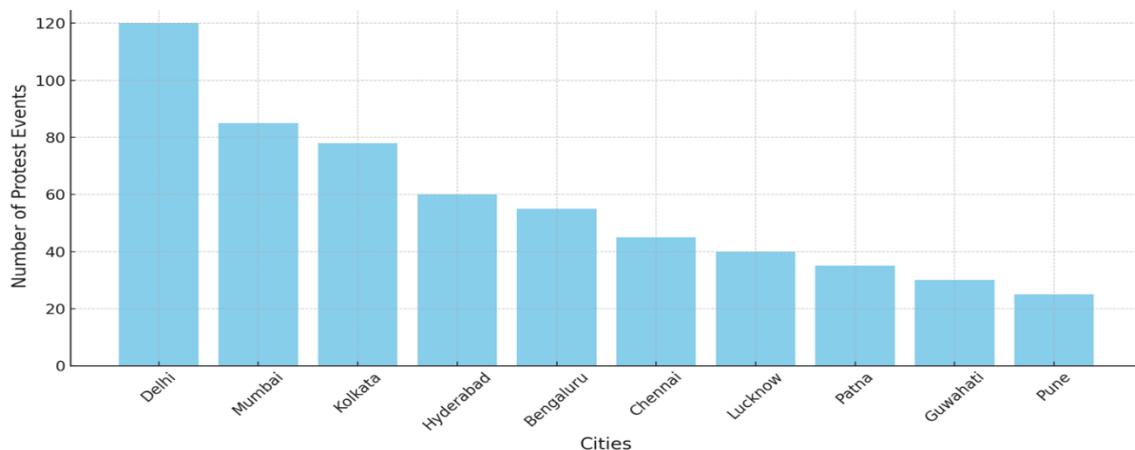


Figure 1: Number of Anti-CAA Protest Events Across Major Indian Cities (December 2019 - March 2020). Adapted from data compiled by Bhatia and Gajjala (2020).

Source: Bhatia, K. V., & Gajjala, R. (2020). Examining Anti-CAA Protests at Shaheen Bagh: Muslim Women and Politics of the Hindu India. *International Journal of Communication*, 14, 4245–4264.

Nationwide Protests: Starting in mid-December 2019, spontaneous demonstrations erupted in multiple urban centers – from New Delhi, Mumbai, and Kolkata to smaller cities and university campuses. Many Indians, especially from the Muslim community, viewed the CAA coupled with the threat of a NRC exercise as an existential threat to their status in their own country. Protesters often carried copies of the Constitution, emphasizing the preamble’s commitment to secularism and equality. A unique feature of these protests was the prominent leadership of women, particularly Muslim women. In the Shaheen Bagh locality of New Delhi, a continuous 24/7 sit-in protest led by Muslim women became the symbolic epicenter of the anti-CAA movement (Bhatia & Gajjala, 2020). Braving winter cold, these women – many of them traditional homemakers who had never before participated in activism – occupied a public road for over three months, conducting a peaceful vigil that inspired similar sit-ins elsewhere.

University and Youth Activism: University students were at the forefront of many demonstrations. Notably, students of Jamia Millia Islamia (New Delhi) and Aligarh Muslim University (Uttar Pradesh) – historically Muslim minority institutions – held large protests that were met with police crackdowns in mid-December 2019. The sight of police entering campuses and using force rallied many non-Muslim students and faculty from other universities (IITs, JNU, Jadavpur University, etc.) to join the movement in solidarity. The slogan “No CAA, No NRC” became common, encapsulating opposition to the perceived citizenship regime change. These protests often evolved into teach-ins about the Constitution and the history of citizenship in India, reflecting a deep engagement with the issues by the youth.

Communal Tensions and Violence: While most protests were peaceful, some regions saw the CAA debate take a communal turn, leading to violence. In late February 2020, riots broke out in parts of Delhi after a local politician’s rally in support of the CAA confronted anti-CAA protestors. The resulting clashes, which devolved into Hindu-Muslim riots, led to over 50 deaths – mostly Muslims – and significant property damage. This tragic event demonstrated the volatile social implications of the CAA controversy: it had become a polarizing symbol that could be manipulated into triggering communal discord. The violence was a stark reminder that underlying religious tensions in India could be inflamed by policies perceived as discriminatory. Some analysts pointed out that misinformation and provocative speeches played a role in escalating tensions, but the fault line that the CAA introduced was undeniably a factor.

Civil Society and Artistic Response: The CAA also spurred a wider civil society movement. Lawyers offered pro bono assistance for those arrested in protests; academics and authors penned open letters and essays dissecting the Act; and a number of petitions for and against the law flooded the Supreme Court (as mentioned earlier). Across many Indian cities, people formed human chains, held candlelight vigils, and read out the Preamble to the Constitution in unison, in what became signature acts of the movement. The Act thus stimulated a civic assertion of constitutional values at a grassroots level (Yadav & Arya, 2024). This could be seen as a positive social outcome: a heightened public consciousness about the meaning of citizenship and the importance of secularism. On the other hand, the period also saw social media flooded with disinformation and toxic propaganda either vilifying protesters as anti-national or demonizing government supporters. The social cohesion of the country was put to test, with friend circles, families, and communities often split over their stance on the CAA.

Public Opinion and Minority Psyche: For India’s 200-million-strong Muslim minority, the CAA combined with talk of NRC instilled a deep sense of anxiety. Many Muslims, including those whose families have been Indian for generations, felt their citizenship was being openly questioned. This resulted in an upsurge in Muslims rushing to get their documents – birth certificates, ancestral land records – in order, anticipating that they might have to prove their citizenship in the near future. Sociologists observed a feeling of alienation and second-class citizenship creeping in among Indian Muslims, who perceived the law as a message that Muslims are not equally valued in India (Engineer, 2020). At the same time, segments of the Hindu majority, especially those supportive of the government, felt that the opposition to CAA was overblown; they saw the protests as fueled by misinformation or political rivalries, given that the Act did not directly affect any Indian Muslim’s citizenship. This divergence in perception indicated a widening social divide.

It should also be noted that the beneficiaries of the Act – Hindu, Sikh, Christian, and other refugees from Pakistan, Bangladesh, and Afghanistan – generally welcomed the law. Many such families living in camps or settlements in India (for example, Punjabi Hindu refugees in Delhi or Chakma Buddhist refugees in Arunachal) celebrated the hope of finally receiving citizenship after decades of stateless limbo. In their social world, the CAA was a long-awaited justice. However, the number of people immediately eligible under CAA is relatively small (official estimates ranged from 30,000 to 40,000 at the time of passage), which led some to argue that the Act’s symbolic impact far outweighed its direct practical benefit.

Finally, the government’s response to the public outcry was itself a significant part of the social narrative. Initially, the central government stood firm on not repealing or altering the law. It launched a campaign to “educate” the public, including rallies by the Prime Minister and Home Minister, and extensive advertising about what CAA does and doesn’t do. Despite this, the protests continued until early 2020 when the COVID-19 pandemic and lockdowns brought them to a halt. The sudden end of protests due to the pandemic left many issues unresolved, but the social impact endured. In 2020 and 2021, even as the world grappled with COVID-19, the embers of the CAA issue glowed – visible in sporadic protests, continued court battles, and the discourse during state elections. By early 2024, the government finally drafted rules to implement the Act, signaling intent to operationalize it. This move reignited opposition in some quarters, with fresh protests in the Northeast against notifying new citizens under the CAA. Clearly, the social implications of the CAA have been long-lasting: it has altered the way citizenship is discussed in India, galvanized new forms of citizen activism, and affected the minority community’s sense of security.

Scholarly Critiques and Analysis

The Citizenship Amendment Act 2019 has prompted extensive analysis and critique from scholars in law, political science, history, and sociology. Academic discourse on the CAA situates it within larger themes such as constitutionalism vs majoritarianism, the nature of Indian nationalism, and the rights of minorities and refugees. This section synthesizes key scholarly arguments and assessments:

1. Erosion of Secularism and Constitutional Morality: A dominant theme in scholarly critiques is that the CAA represents a break from India's secular constitutional heritage. Niraja Gopal Jayal (2022) observes that Indian citizenship law had, for over seven decades, remained religion-neutral even in the face of partition, civil war in neighboring countries, and refugee crises – a testament to India's commitment to civic nationalism. The CAA's explicit religious criterion, she argues, erodes the secular foundations of the Republic by signaling that religion can determine rights (Jayal, 2022). Scholars point out that secularism in the Indian context was not just a lofty ideal but a practical necessity to hold together a pluralistic society (Jayal, 2013). By legislating preferences based on religion, the state undermines the principle of equality before the law. Jaideep S. Lalli (2020) terms the CAA's logic a "communalization of citizenship law," wherein the law aligns with communal (religious) identity, thus betraying the constitutional mandate of neutrality.

2. Reasonable Classification or Invidious Discrimination: Constitutional scholars have debated whether the CAA's classification can be defended as "reasonable." Proponents (including a minority of legal scholars sympathetic to the government) argue that the state has discretion in matters of immigration and naturalization – that giving preference to certain groups of foreigners is a policy decision akin to, say, offering asylum to specific communities. They cite examples of other countries having similar preferences (for instance, many European countries have ethnically preferential immigration policies for diaspora communities). However, critics note that India's situation is distinct because the CAA is not just about immigration policy but amends a citizenship law in a manner intertwined with the status of Indian residents under a potential NRC (Bhatia, 2020). Moreover, in the constitutional scheme, any law that appears to single out a particular religion for disadvantage triggers strict scrutiny. Manav Kapur (2021), in his historical analysis, suggests that the CAA is a throwback to Partition-era debates where citizenship was linked to religious identity – debates that India had consciously resolved in favor of secular citizenship (Kapur, 2021).

3. Citizenship, Belonging, and the "Othering" of Indian Muslims: Anthropologists and political theorists delve into what the CAA signals for Indian nationhood and the social contract. Chatterjee and Raheja (2020) argue that the CAA fundamentally redefines the notion of who is an Indian by aligning the legal notion of citizenship with the Hindu identity (broadly construed to include closely related religions). By doing so, it institutionally marginalizes Indian Muslims, who are made into the "Other" in their own country – implicitly, if not explicitly, stigmatizing them as potentially less loyal or less "authentic" Indians (Chatterjee & Raheja, 2020). They note that the very need for Muslims to prove citizenship (in an NRC) while others might be granted citizenship (via CAA) exemplifies a new hierarchy of belonging. This, they suggest, has deep social ramifications: it deepens religious and ethnic divides and exacerbates the marginalization of minorities in social life.

Conclusion

The Citizenship Amendment Act 2019 stands as a watershed moment in India's legal and political history, one that has intensified the ongoing negotiation of India's identity as a nation. This comprehensive review has traced how the CAA emerged from specific historical and political currents and has examined its content and consequences through multiple lenses. Historically, the Act represents a departure from the secular, inclusive conception of citizenship adopted at independence, harking back to communal notions that India had consciously avoided in its foundational years. Legally, the CAA's introduction of a religious criterion for citizenship has brought forth complex constitutional questions – about equality, secularism, and the permissible scope of parliamentary power – that remain under judicial scrutiny. Politically, the law reflects the ideology of the ruling dispensation and has been both defended and decried in line with competing visions of what the Republic of India stands for. Socially, the CAA has had far-reaching implications: it triggered an unprecedented citizen mobilization in defence of constitutional values, but also exposed and exacerbated societal rifts, particularly with regard to the status and security of the Muslim minority.

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References

1. Ananda, D. (2024). The intersection of Indian Citizenship Amendment Act 2019 and religious persecution. *Discover Global Society*, 2, Article 76.
2. Bhatia, K. V., & Gajjala, R. (2020). Examining anti-CAA protests at Shaheen Bagh: Muslim women and politics of the Hindu India. *International Journal of Communication*, 14, 4245–4264.
3. Chatterjee, S., & Raheja, N. (2020, September 7). India's Citizenship Amendment Act (CAA): Citizenship and belonging in India. *Political and Legal Anthropology Review*.
4. Jayal, N. G. (2013). *Citizenship and its discontents: An Indian history*. Harvard University Press.
5. Jayal, N. G. (2022). Reinventing the republic: Faith and citizenship in India. *Studies in Indian Politics*, 10(1), 14–30.
6. Kapur, M. (2021). India's Citizenship (Amendment) Act: A throwback to debates around the "long partition". *Statelessness & Citizenship Review*, 3(1), 208–235.
7. Lalli, J. S. (2020). Communalisation of citizenship law: Viewing the Citizenship (Amendment) Act 2019 through the prism of the Indian constitution. *University of Oxford Human Rights Hub Journal*, 3(1), 95–122.
8. Roy, I. (2024). The rule of law in an ethnocracy: India's Citizenship Amendment Act and the will of the Hindu ethnos. *Social & Legal Studies*. Advance online publication.
9. Yadav, S., & Arya, D. (2024). *Citizenship Amendment Act: Navigating controversy, legal debates, and societal impacts in India*. Centre for Development Policy and Practice.
10. Foster, M., & Khan, A. H. (2021, April 1). *Citizenship (Amendment) Act 2019 and international law* (Legal Brief). Asian Law Centre, Melbourne Law School; Peter McMullin Centre on Statelessness; Institute for International Law and the Humanities (IILAH).

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