



CAA IN INDIA: SAFEGUARDING MINORITIES OR DIMINISHING THE SECULARISM?

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ABSTRACT

The “Citizenship Amendment Act”, which was enacted in 2019, has the contemporary amendments by virtue of the rules. The government focuses and removing the barrier for acquiring citizenship for the Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians. The critics argued that the amendment is standing against the minority Muslim population in India. Further, it marks and questions the secularism of India by making law based on religion and is criticised for affecting Article 14 of the Indian Constitution, for marginalising Muslim communities, and failing to meet global human rights standards. By making the law inclusive of all persecuted minorities regardless of their faith, including Muslims, Jews, atheists, and others, India can reaffirm its constitutional commitment to equality and secularism. Moreover, expediting judicial review of the CAA’s constitutionality in the Supreme Court will provide much-needed legal clarity and ensure the balance of secularism between all religions.

Keywords: Citizenship Amendment Act, Article 14, Minorities, Secularism.

INTRODUCTION

The Indian Constitution under Article 14¹ defines that every individual in the state should be treated equally and shall not be of any law or the equal protection of the law within the territory of the country, whereas the Citizen Amendment Act categorises people by religion. The people of Ahmadiyyas, Hazaras, Rohingyas, and Sri Lankan Tamils were excluded, as well as the focus solely on religious persecution while ignoring other forms of persecution, has further fueled controversy. The law’s implementation has led to fears of demographic, economic

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¹ The Constitution of India, 1950 Article 14

mistrust, political impacts, and condemnation, especially in regions like Assam, where migration is a sensitive issue.² The Citizenship Amendment Act was passed in the Lok Sabha on December 10, 2019, and it was cleared in the Rajya Sabha two days after getting assent from the beloved President of India, Ram Nath Kovind, and then it came into effect. The law granted the individuals of specified groups and non-Muslims communities refugee status within the country and holds the title of “ill-legal-migrant”. The criticism was opposed by the ruling party, and the union home minister argued that CAA is not against any religion and it won’t affect the minorities. The act focuses only on the improvement of refugees and the innocent from the religious persecution in other neighbouring countries.

PROVISION OF THE ACT

- The migrants entered India without valid documents or valid essentials and stayed inside India after the permitted period ended, where the illegal migrants and the Citizenship Amendment Act bar them. Any Hindus, Sikhs, Buddhists, Parsis, or Christians who arrived in the country before or on December 31, 2014, won’t be treated as ‘illegal migrants’ and they are eligible to apply for the citizenship of India. The CAA provides immunity for the migrants from Afghanistan, Pakistan, and Bangladesh from legal cases against them the considering their immigration status.
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- The CAA reduces the qualifying length of residency in India for the migrants belonging to Hindu, Buddhist, Sikh, Parsi and Christian communities in Afghanistan, Pakistan, and Bangladesh before being eligible for Indian citizenship, which is not less than eleven years to not less than five years.
- The CAA also contains a provision that allows the government to withdraw individuals from the Overseas Citizens of India cards, and also an immigration status allowing foreigners of Indian origin to live in India as well as work without any restrictions. In case they violate any laws for major or minor offences.³

² BBC, “CAA: India’s new citizenship law explained” (2024)1(3)BBC <https://www.bbc.com/news/world-asia-india-50670393> accessed 9.6.25

³ By Harrison Akins, “The Citizenship (Amendment) Act in India” (2020) 2(1) https://www.uscirf.gov/sites/default/files/2020%20Legislation%20Factsheet%20-%20India_0_0.pdf accessed on 9.6.25

RESPONSE FROM THE RULING PARTY

The Director of the Ministry of Home Affairs argued that the history of six communities (Hindus, Buddhists, Sikhs, Parsis, and Christians) migration from one place to another was recorded and submitted to the parliament. The migration was discussed in the parliament for several decades. The religious persecution and eligibility for citizenship under CAA were documented and discussed by the government. The government further argued that CAA against any community is erroneous, deceitful, and fallacious. The CAA has not only excluded Muslims but also certain Hindus from certain countries, such as Tibetan Buddhists from China and Tamil Hindus from Sri Lanka, and they were separated under individual mechanism and their inclusion and exclusion depended upon foreign policy. Merely because religion is the starting point of any classification would not imply that such classification falls foul of the principles of secularism. The allegation on Article 15 and 19 the government argued that the petitioner cannot claim these rights of equality and freedom of expression on behalf of the illegal migrants because the rights were only available for the citizens of India. Since the Parliament had the power to override any law under Article 11, the CAA did not affect Articles 5, 6, 7, 8, 9, and 10, which deal with providing citizenship based on birth, descent, or residency. Under Section 14A, the preparation of the national register of citizens.

BENEFITS BESIDE THE PROBLEM

- The CAA introduced an online portal for the eligible person to apply for Indian citizenship, which was launched by the Home Minister.
- The CAA also aims to provide a dignified sanctuary to individuals who have fled religious persecution in neighbouring countries without excluding lawfully resident Indian residents of any faith.
- The CAA does not preclude the possibility of awarding Indian citizenship to individuals who belong to the majority faith in these three nations and fulfil all the requirements listed for typical circumstances.
- The CAA is intended to provide safety and a legal route to citizenship to religious minorities who have undergone persecution within adjacent Islamic nations. These populations have long been subject to discrimination and violence, and the CAA is

attempting to remedy their statelessness and exposure by providing them with legal standing within India.⁴

- The CAA eliminates the possibility of deportation or imprisonment for qualified migrants, as they cease to be illegal immigrants according to Indian law. All the legal processes concerning their illegal entry or residence are shut down with the acquisition of citizenship.
- An argument raised by proponents is that India has the tradition of sheltering persecuted individuals, and the CAA follows this civilizational tradition, reiterating the nation's position as a haven for minorities of neighbouring theocratic countries.⁵
- The Act has been viewed as a reaction to the non-implementation of post-partition arrangements, like the Nehru-Liaquat Pact, which was designed to safeguard minorities in the subcontinent but failed to stop continuing harassment. The CAA is an effort to address the humanitarian promises that were left unfulfilled.
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IMPACTS OF CAA

The impact of the CAA has been felt very strongly in the northeastern states, particularly in Assam. The Act has been perceived there as a threat to the cultural and linguistic identity of the region and as devaluing the Assam Accord of 1985, which had established a different cut-off date for citizenship. Most individuals in the Northeast are afraid of added strain on resources within their regions and believe the Act poses a threat to the rights and identity of indigenous communities, provoking fierce protests and mass uprisings.⁶ Internationally, the CAA has been criticised by human rights agencies and foreign governments as being in contravention of conventions on human rights and statelessness. It has also put a strain on India's relations with

⁴ The Citizenship (Amendment) Act 2019, Statement of Objects and Reasons, para 2; 'Citizenship (Amendment) Act, 2019: Key Features' (PRS Legislative Research, 12 December 2019) <https://prsindia.org/billtrack/the-citizenship-amendment-bill-2019> accessed 17 June 2025

⁵ Amit Shah, 'Speech on the Citizenship (Amendment) Bill, 2019' (Lok Sabha Debates, 9 December 2019) <https://loksabha.nic.in/Debates/Result16.aspx?dbsl=16436> accessed 17 June 2025

⁶ "Citizenship Amendment Bill Negatively Impacts Indigenous Peoples of Northeast India | Cultural Survival." <https://www.culturalsurvival.org/news/citizenship-amendment-bill-negatively-impacts-indigenous-peoples-northeast-india> accessed on 17 June 2025

neighbouring states, particularly Bangladesh and Afghanistan, which have complained about the left-out refugee groups and regional instability.

Administratively and politically, the implementation and timing of the CAA have resulted in allegations that it is being employed for political purposes, specifically the consolidation of Hindu votes in sensitive areas like West Bengal and Assam. The mooted linking of the CAA with the National Register of Citizens (NRC) has also raised concerns among destitute and marginalised Indians—many of whom do not have adequate documentation—of becoming stateless or encountering severe bureaucratic barriers. Overall, the CAA has been far-reaching in its influence on India, igniting controversies regarding the nation's secularism, minority rights, and destiny of its pluralistic identity, as well as its internal stability and global reputation.⁷

OPINION & SUGGESTION REGARDING CAA

Fears about Exclusion and Discrimination: The CAA, in its selective exclusion of Muslims, goes against the secular and inclusive cultural fabric embedded in the Indian Constitution. Although understandably, the intent is to safeguard persecuted minorities from adjacent nations, the selective character of the law conveys the message that citizenship and empathy are conditional upon religious identity. This is alarmingly disturbing in a nation as pluralistic as India, because India has been known for its Unity in Diversity.

Impact on Social Harmony: The Act has led to widespread protests and unrest, especially in regions like Assam and the Northeast, where fears about demographic change and cultural dilution are genuine. In these areas, the CAA is seen not just as a humanitarian gesture but as a threat to indigenous identities and hard-won accords like the Assam Accord. The resulting tensions have strained social harmony and trust between communities.⁸

International and Human Rights Issues: Worldwide, the CAA has been mostly criticised for its transgression of conventions on human rights and statelessness. It has also tarnished India's image as a pluralistic democracy and strained relations with neighbouring nations. Legislation

⁷ “Why Assam is up in Arms against Controversial New Indian Citizenship Law – The Diplomat.” <https://thediplomat.com/2024/03/why-assam-is-up-in-arms-against-controversial-new-indian-citizenship-law/> accessed on 17 June 2025

⁸ “Citizenship Amendment Act: Unpacked.” <https://www.drishtiias.com/loksabha-rajyasabha-discussions/citizenship-amendment-act-unpacked> accessed on June 17, 2025

that seems to discriminate on religious grounds can leave India isolated on the world stage and erode its moral authority. Connecting the CAA with the National Register of Citizens (NRC) is raising concerns in marginalised communities—most of whom do not have appropriate documents—of being made stateless. This might create humanitarian crises and further marginalise vulnerable groups.

RECOMMENDATIONS

The government would do well to introduce amendments to the CAA to cover all minority groups that are being persecuted, irrespective of religion. This would reassert India's faith in secularism and equal justice to all. Special care needs to be taken of the issue of the Northeast, particularly Assam. The special historical and cultural background of the area needs to be respected, and any law has to be in accordance with the Assam Accord and the wishes of indigenous peoples. If the CAA is to be enforced, it needs to be so in a transparent manner, with explicit guidelines and precautions against abuse or discrimination. Support should be given to the undocumented, and nobody should be made stateless or stripped of essential rights. Dialogue with all the stakeholders, such as civil society, community leaders, and the opposition parties, should be entered into by the government. Consensus-building is important to ensure that the changes in the citizenship law are just, equitable, and well accepted. India's strength is its diversity and pluralism. Any policy or law must strengthen, and not undermine, this founding principle. The government must take steps to assure all citizens, but particularly minorities, that their rights and identities are secured.⁹

CONCLUSION

On the one side, pro-CAA proponents point out that the CAA is a humanitarian act to grant asylum and citizenship to religious minority groups like Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians, who have been targeted for persecution in Pakistan, Bangladesh, and Afghanistan because of theocratic state apparatuses discriminating against them. The government argues that the legislation is a specific reaction to past injustices and is in line with India's secular principles, as it aims to uphold those most vulnerable in surrounding nations. Nevertheless, critics argue that the express exclusion of Muslims by the CAA, coupled with its failure to include other adjoining nations and victimised groups like Jews and atheists, renders

⁹ "Citizenship Amendment Act." <https://www.cdpp.co.in/articles/citizenship-amendment-act-navigating-controversy-legal-debates-and-societal-impacts-in-india> accessed on June 17, 2025

the legislation discriminatory and contrary to the secular and pluralistic culture codified in the Indian Constitution. There have also been apprehensions regarding the compatibility of the Act with international norms on human rights, its ability to infringe upon the Assam Accord, and the general effect on social cohesion and economic resources in impacted areas.

In short, the CAA has precipitated a revolutionary national debate regarding citizenship, equality, and India's identity as a secular democracy. Whereas it is perceived by some as a humane move towards the protection of persecuted minorities, others regard it as a deviation from constitutional promises of equality and non-discrimination. The recurring controversies and court challenges suggest that the question is still open, reflecting the necessity for ongoing discussion and, perhaps, legislative reappraisal to reconcile the interests of all concerned.