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**ARTICLE ON THE LEGALITY AND IMPLICATIONS OF THE  
CITIZENSHIP AMENDMENT ACT, 2019.**

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**ABSTRACT:**

In this article I have overall, I have given a brief introduction on the citizenship amendment act 2019 this act overall says that certain religious minority communities specifically Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians from Afghanistan, Bangladesh, and Pakistan who entered India before December 31, 2014, are eligible for expedited citizenship if they can demonstrate religious persecution or fear of persecution in their home countries. Notably, Muslims are not included in this list, which has led to significant controversy and debate.

Which also led to a lot of protest by the Muslims as it was a religious discrimination towards them and our countries constitution itself gives us the right to equality, there should be no religious, sex, class, caste etc. discrimination. Our country itself is a secular nation but this bill created a lot of controversy in whole country as the Muslim regions people felt excluded. the

CAA sparked widespread protests across India in late 2019 and early 2020, with opponents arguing that it undermines India's secular fabric and discriminates against Muslims. The protests led to a broader debate about the nature of citizenship, secularism, and the principles of inclusivity in the country. Several petitions challenging the Citizenship Amendment Act (CAA) were filed in the Supreme Court of India. These petitions raised concerns about the constitutionality and legality of the CAA. In this article I have mentioned how different principle were violated related of our Indian constitution, And I have also mentioned about few reason that lead to religious controversy because of the Citizen Amendment Bill 2019.

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## INTRODUCTION:

<sup>2</sup>The Citizenship Amendment Bill 2019 was introduced on 9th December 2019 at Lok Sabha after which the Lok Sabha passed the bill to The Rajya Sabha i.e., the parliament of India on 11th of December 2019 and after which the receiving the assent from the President of India on 12th December 2019, the bill assumed the status of an act. So, according to The CAA bill 2019 adds two additional provisions on citizenship to illegal migrants belonging to these religions from the three countries. The bill introduced changes to the Citizenship Act of 1955, which governs the process of acquiring Indian citizenship. The bills regulates that a person can become an Indian citizen if they are born in India or have Indian parentage or have resided in the country for a particular period of time (as given in the bill), etc. But however illegal migrants are prohibited from acquiring Indian citizenship. An illegal migrant is a foreigner who enters the country without valid travel documents, like a passport and visa, etc. or enters with valid documents, but stays beyond the permitted time period. The Citizenship act has been a subject of intense debate and controversy in India, sparking widespread protests and discussions on issues of religion, secularism, and constitutional principles. The primary objective of the CAA is to provide a pathway to Indian citizenship for certain religious minority communities who faced religious persecution or fear of persecution in neighbouring countries. Specifically, the Act grants expedited citizenship to Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians from Afghanistan, Bangladesh, and Pakistan, who entered India before December 31, 2014. Notably, Muslims are not included in this list of eligible communities, which has been a source of contention and criticism. The Supporters of the CAA argue that it is a humanitarian measure aimed at providing refuge to persecuted religious minorities from neighbouring countries. Supporters of the CAA argue that it is a humanitarian measure aimed at providing refuge to persecuted religious minorities from neighbouring countries. Whereas the Opponents of the CAA, however, raise concerns about the exclusion of Muslims and argue that it violates the principles of equality, secularism, and non-discrimination enshrined in the Indian Constitution. So due to the bills clauses there are Legal challenges that have been filed against the CAA, questioning its constitutionality. The Supreme Court of India has yet to make a final determination on the matter, and the legal aspects and implications of the CAA remain subjects of ongoing judicial scrutiny.

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<sup>2</sup> The Citizenship (Amendment) Bill, 2019, *PRS Legislative Research*, <https://prsindia.org/billtrack/the-citizenship-amendment-bill-2019>

## **ON WHICH PART OF THE CONSTITUTION IS THE CITIZENSHIP ACT 2019 VIOLATED?**

The Citizenship Amendment Act 2019 has faced a lot of protests on many grounds which allegedly violates certain provisions of our Indian constitution.

- Under Article 14 of the Indian Constitution equality before the law:<sup>3</sup> The Protesters argue that the CAA violates Article 14 of the Indian Constitution, which guarantees equality before the law.<sup>4</sup> Article 14 is one of the cornerstones of the Constitution. It states, "The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India." Equality before law means the State will treat every class of persons without discrimination. They contend that the exclusion of Muslims from the benefits of the CAA based on their religion. This creates an arbitrary and discriminatory classification between the people on the grounds of religion. And so according to the constitution, providing preferential treatment to specific religious groups while excluding others is a violation of the principle of equal protection of the law.
- Under the Article 15 of the Indian constitution prohibition of discrimination: Article 15 of the Indian Constitution prohibits discrimination on various grounds, including religion. Opponents of the CAA argue that by selectively granting citizenship based on religious identity, the Act contradicts the spirit of the article which states that the act creates a discriminatory distinction between religious communities, which goes against the constitution which guarantees non-discrimination among everyone.
- Under Article 21 - Right to life and personal liberty: Article 21 of the Indian Constitution protects the right to life and personal liberty. The Critics of the CAA argue that the Act, in conjunction with the proposed National Register of Citizens (NRC), may lead to the exclusion and potential statelessness of individuals, particularly Muslims, if they are unable to provide adequate documentation to prove their citizenship. They claim that this could violate the right to life and personal liberty of affected individuals.

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<sup>3</sup> NEWS ANALYSIS, *MHA on Citizenship Amendment Act (CAA), 2019*, (April 27<sup>th</sup> 2022), <https://www.drishtiiias.com/daily-news-analysis/mha-on-citizenship-amendment-act-caa-2019>

<sup>4</sup> Rijuka Naresh Jain, MANUPATRA ARTICLES, *Constitutional validity of citizenship amendment act, 2019* (April 27<sup>th</sup> 2021), <https://articles.manupatra.com/article-details/Constitutional-Validity-of-Citizenship-Amendment-Act-2019>.

- Under the grounds of Secularism: The protests against the CAA were also grounded in the principle of secularism, which is a fundamental feature of our Constitution. The critics argue that the Act undermines secularism by introducing a religious criterion for granting citizenship. They say that secularism requires the state to treat all religions equally, and the CAA's selective treatment is based on religion which goes against this part of our constitution.
- Federalism: Some critics of the CAA argue that the Act encroaches upon the powers of the states, infringing on the principle of federalism enshrined in the Indian Constitution. They argue that the Act imposes a national policy on citizenship, impacting the rights and responsibilities of the states without their adequate consent or involvement.

It's important to note that these are the perspectives put forth by opponents of the act is based on the interpretation of the Constitution. Supporters of the Act may present counter-arguments and legal justifications for its constitutionality. The constitutional aspects of the CAA have been and continue to be a subject of interpretation and judicial review.

### **WHAT IS THE MAIN REASON FOR THE CONTROVERSY UNDER THE CITIZENSHIP ACT 2019?**

The main reason for the controversy of the citizenship act 2019 is because of the religious reasons many Muslim religions people felt excluded on the grounds of religion and as or constitution says under article 15 of the constitution secure the citizens of India from all sorts of discrimination irrespective of race, case, sex, or place of birth or any of them.

- Exclusion of Muslims:<sup>5</sup> One of the primary reasons for the controversy is the exclusion of Muslims from the list of religious communities eligible for expedited citizenship under the CAA. Critics argue that this selective exclusion is based on religion which goes against the principles of equality and secularism enshrined in the Indian Constitution.
- Violation of secular principles: India has long upheld the principle of secularism, which means the state, treats all religions equally and does not favour any particular religion.
- Impact on Assam and Northeast: The north eastern states of India, particularly Assam, have experienced specific concerns and protests related to the CAA. These regions have a

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<sup>5</sup> Abby Seiff, International Bar Association, *The Controversy behind India's Citizenship Amendment Act*, (February 7<sup>th</sup> 2020) <https://www.ibanet.org/article/CB835381-29A6-40DB-894D-CC77BFBA07E2>.

history of tensions over immigration, with concerns about the potential demographic impact of granting citizenship to immigrants, both Hindus and Muslims, who may have entered the region illegally. Critics argue that the citizenship act could lead to further marginalization of indigenous communities in these areas.

These are the few main reason that the citizenship act 2019 had controversy.<sup>6</sup> But the overall the amendment was not done on the grounds of religious matters. It just adds up a layer to the act which just grants of citizenship to certain persecuted religious minority in some neighbouring countries of India. The act done not takes any person's citizenship on the basis of religion.

## CONCLUSION:

The legality and implications of the Citizenship Amendment Act (CAA) of 2019 in India remain subjects of ongoing debate and legal scrutiny. Various legal challenges have been filed against the CAA, questioning its constitutionality on grounds such as equality, secularism, and non-discrimination. The controversy surrounding the CAA reflects the divergent viewpoints and interpretations of its compliance with the Indian Constitution. Supporters of the Act argue that it falls within the Parliament's authority to enact laws related to citizenship and serves as a humanitarian measure for persecuted religious minorities. Opponents, on the other hand, contend that the CAA violates constitutional principles such as equality, secularism, and non discrimination. So overall, to understand the legality and implications of the CAA, it's important to note that the Indian Constitution grants the Parliament the authority to enact laws related to citizenship. However, any law passed must conform to the constitutional principles of equality and non-discrimination. Overall, the bill should have been equal to everyone irrespective of their religion even if the intention of the bill was that Muslim religion people won't get persecuted in their country and so they might not need Indian citizenship but still as India is a secular nation it had to be equal with all religions.

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<sup>6</sup> Prithika Vajpeyi, *Legality and Implications of the amended Act, 2019*, Legal Vidya (May, 15, 2023) <https://legalvidhiya.com/legality-and-implications-of-the-citizenship-amendment-act-2019/#:~:text=The%20amendment%20act%20does%20not%20give%20a%20religious%20character%20to,citizenship%20on%20a%20religious%20basis.>