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With this thought, we hereby present to you

"THE SOCIO-LEGAL IMPLICATIONS OF THE CITIZENSHIP AMENDMENT ACT, 2019"

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Abstract

The Citizenship Correction Act (CAA), 2019, has been one of the foremost talked about and disputable administrative measures in India's later history. By providing oppressed faithful minority from Pakistan, Bangladesh, and Afghanistan with an accelerated path to citizenship, the Act seeks to amend the Citizenship Act of 1955. Be that as it may, the prohibition of Muslims from this arrangement has started concerns with respect to its protected legitimacy, its effects on secularism, and its broader socio-political consequences. The Citizenship Amendment Act of 2019 has made religion a requirement for applying for Indian citizenship, which is a clear transgression of the fundamental principles of the constitution. Anything that goes against the fundamental framework of the Indian constitution is unlawful. The founders of the Indian constitution envisioned India as a democratic, secular, and socialist society. Whether or whether the controversial legislation is unlawful, it must be analyzed through the lenses of fundamental human rights principles and constitutional law. A feeble attempt is made to analyze the advantages and disadvantages of this anti-citizenship law. The idea that India cannot be a republic built on prejudice, hatred, and a generalized sense of dread has been upheld throughout the article. This article examines the CAA's socio-legal recommendations, examining how it aligns with protected norms, how it may alter India's demographics and social structure, and how it might have global effects.

Introduction

The Citizenship Revision Act, 2019, was passed by the Indian Parliament on December 11, 2019, and gotten the President's consent on December 12, 2019. As of December 31, 2014, the Act aims to grant citizenship to outcasts who are Hindu, Sikh, Buddhist, Jain, Parsi, and Christian and who have fled persecution in Pakistan, Bangladesh, and Afghanistan. Avoiding Muslims has led to widespread criticism, valid criticism, and far-reaching issues, which have

raised serious concerns about India's legal and mainstream culture.

The CAA's main goal is to provide non-Muslim refugees who have experienced religious persecution in the three designated countries with a streamlined citizenship procedure. The minimum residency requirement for citizenship in these localities has been lowered from 11 years to 5 years as a result of this modification. One main source of contention has been that the Act does not apply to Muslims from these countries or to illegal migrants of other religious backgrounds.

Furthermore, the Act does not affect territories covered by the Inner Line Permit (ILP) system, such as Arunachal Pradesh, Mizoram, and Nagaland, or tribal areas protected by the Sixth Schedule of the Constitution, guaranteeing the preservation of indigenous identities.

The CAA has faced several criticisms. The law's opponents contend that by awarding citizenship based on religion, it transgresses the secular ideals of the Indian Constitution. The omission of Muslims from the eligibility requirements, according to critics, is discriminatory and goes against India's commitment to equal rights. There are worries that the Act might be used to target specific populations, especially Muslims, as stateless people, especially in light of the projected National Register of Citizens (NRC)¹.

After the CAA was passed, there were widespread protests throughout India, including in Delhi, West Bengal, and Assam. Students, political parties, and civil society organizations were among the protesters who voiced worries about the Act's propensity to exclude particular groups and its effect on India's secular fabric. However, proponents of the law contend that by assisting marginalized groups and redressing past wrongs, it fulfills a humanitarian function. One of the most controversial pieces of legislation in recent Indian history is still the Citizenship (Amendment) Act, 2019. Critics claim it jeopardizes India's secular and tolerant culture, while the government says it is an essential step for persecuted religious minority. There is still much disagreement on the Act's long-term effects on India's social and political climate².

¹ Narender Nagarwal, *The Citizenship Amendment Act 2019: An insight through constitutional and secularism perspective*, 57 Journal of Asian and African Studies 1562–1576 (2021).

² Amit Ranjan & Devika Mittal, *The citizenship (amendment) act and the changing idea of Indian citizenship*, 24 Asian Ethnicity 463–481 (2023).

Historical Context of Citizenship Laws in India

The centuries-long history of India's citizenship rules is a complicated and dynamic one. Before India gained its independence in 1947, the area was ruled by the British Empire, and locals were regarded as British subjects or British protected persons.

Pre-Independence Era

There was no comprehensive nationality legislation in place during the British colonial era, and the idea of citizenship was vague. Indian residents' unique demands were not met by the British Nationality and Status of Aliens Act of 1914, which standardized British subject status across the Empire.

Post-Independence Era

The Citizenship Act of 1955, which established a framework for obtaining Indian citizenship, was passed after India gained independence and went into effect on November 26, 1949. Citizenship was awarded to people who were born in India, had at least one Indian parent, or had lived in India for at least five years before the Constitution went into effect³.

Key Amendments and Developments

The Citizenship Act has undergone a number of revisions throughout time. Among the noteworthy advancements are:

Assam Accord (1985) : As a result of the Assam Accord, Section 6A of the Citizenship Act was added, granting citizenship to anybody who had lived in Assam before 1966.

The Citizenship Amendment Act of 2003 : It established abroad citizenship for the Indian diaspora and limited citizenship by birth to offspring of at least one Indian parent.

Citizenship Amendment Act (2019): This amendment granted non-Muslim refugees who came to India prior to 2014 from Bangladesh, Pakistan, and Afghanistan accelerated citizenship⁴.

Current Citizenship Laws

Indian citizenship can now be obtained in a number of ways, such as:

Birth: People who were born in India, to Indian parents abroad, or to at least one Indian parent.

³ Eleanor Newbiggin, *The codification of personal law and secular citizenship*, 46 *The Indian Economic & Social History Review* 83–104 (2009).

⁴ Amit Ranjan & Devika Mittal, *The citizenship (amendment) act and the changing idea of Indian citizenship*, 24 *Asian Ethnicity* 463–481 (2023).

Descent: Indian nationals' children, no matter where they were born.

Registration: Certain non-citizens, such as spouses of Indian citizens or individuals of Indian origin.

Naturalization: Foreigners who have resided in India for at least 11 of the previous 14 years. India's complicated colonial past, independence movement, and continuous attempts to clarify and improve its citizenship rules are all reflected in the historical background of the nation's citizenship laws.

The Citizenship Amendment Act, 2019: Provisions and Objectives

In India, the Citizenship Amendment Act (CAA) of 2019 is a controversial bill. Its main goal is to grant quick citizenship to persecuted refugees of six religious minority who came to India before 2014 from Afghanistan, Bangladesh, and Pakistan: Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians⁵.

Key Provisions:

Eligibility: The Act confers citizenship on those who have experienced "religious persecution or fear of religious persecution" in their home country and have been in India for at least five years, as opposed to the customary eleven years.

Exemption: Certain regions are excluded from the Act, including those governed by the Inner Line Permit, such as Arunachal Pradesh, Mizoram, Nagaland, and Manipur, as well as the tribal regions of Assam, Meghalaya, and Tripura.

Cancellation of OCI Registration: If the holder breaches any Indian law, the Act adds a new clause that allows the registration of Overseas Citizenship of India (OCI) to be canceled.

Objectives:

Protection of Persecuted minority: The Act seeks to give religious minority who are escaping persecution in nearby nations a safe harbor.

Citizenship Process Simplification: By lowering the residency requirement from 11 to 5 years, the Act streamlines the citizenship process for qualified persons. But the Act's exclusion of Muslims from its provisions has drawn criticism, raising worries about marginalization and prejudice. Muslims in Muslim-majority nations like Bangladesh,

⁵ Brij Mohan Dutta, *A critical analysis of citizenship amendment act, 2019 (CAA)*, 28 International Journal of Business Excellence 505 (2022).

Pakistan, and Afghanistan are unlikely to experience religious persecution, according to the Indian government⁶.

Constitutional and Legal Implications

1. Violation of Article 14 (Right to Equality)

- The Indian Constitution's Article 14 forbids arbitrary categorization and ensures equality before the law.
- Because it selectively grants citizenship to non-Muslim refugees from three countries while excluding Muslim refugees who are persecuted in other regions, such as Ahmadiyyas from Pakistan or Rohingya Muslims from Myanmar, the CAA has been challenged on the grounds that it discriminates on the basis of religion⁷.
- According to the Supreme Court, each categorization made in accordance with Article 14 must pass the rationality and rational connection tests. Critics contend that the choice of nations and religious communities is arbitrary and devoid of any kind of reasonable foundation.
- The government argues that the Act does not violate Article 14 since it uses a fair categorization and offers assistance to certain persecuted minority.
- However, petitioners and legal experts contend that excluding people only on the basis of their religion is against the secular framework of the Constitution and establishes a precedent for treating people differently depending on their religious identity⁸.

2. Impact on Secularism (Article 25 & Basic Structure Doctrine)

- Secularism is a core tenet of the Indian Constitution, which guarantees that the State accords equal respect to all religions. All people are guaranteed the right to practice, profess, and spread their faith without facing discrimination under Article 25.
- It has been suggested that the Citizenship Amendment Act, 2019 violates the secular foundation of the Constitution by excluding Muslims from its scope.

⁶ Narender Nagarwal, *The Citizenship Amendment Act 2019: An insight through constitutional and secularism perspective*, 57 *Journal of Asian and African Studies* 1562–1576 (2021).

⁷ Jayanta Boruah, *Constitutional validity of Citizenship (Amendment) Bill 2016 with Special reference to assam accord: A review of the process of updating National Register of Citizens*, SSRN Electronic Journal (2018).

⁸ Amit Ranjan & Devika Mittal, *The citizenship (amendment) act and the changing idea of Indian citizenship*, 24 *Asian Ethnicity* 463–481 (2023).

The Act selectively awards citizenship based on faith, according to critics, institutionalizing religious discrimination⁹.

- According to the Supreme Court's Basic Structure Doctrine, which was established in the 1973, Kesavananda Bharati decision, secularism is an essential aspect of the Constitution that cannot be changed, not even by constitutional changes. It has been argued that the exclusive character of the CAA violates this theory.
- Legal experts contend that the Act goes against India's longstanding commitment to diversity and pluralism by drawing a line between individuals based on their religious identities. It undermines the government's impartiality on religious issues by creating a precedent where religion influences public policy.
- Fears of majoritarianism, in which the government seems to favor some religious communities over others, have also been sparked by the Act's passing. Many demonstrations have resulted from this, especially from Muslim populations who believe the Act violates their constitutional rights¹⁰.
- Furthermore, worries that Muslim citizens may be disproportionately impacted by the CAA's connection to the National Register of Citizens (NRC), which might result in statelessness and disenfranchisement, have been heightened.
- Whether the Supreme Court finds the exclusion of Muslims to be a fair categorization or an arbitrary, discriminatory move that undermines India's secular fabric will probably determine whether the move's constitutional challenge is successful.

3. Relationship with the National Register of Citizens (NRC)

- The NRC is a procedure that was initially used in Assam with the goal of detecting illegal migrants in India. Many populations, especially Muslims, are concerned about the government's proposal for a national NRC.
- The NRC and the CAA, according to critics, may result in discrimination. Muslims would not have the same protection under the CAA as Hindus, Sikhs,

⁹ Amit Ranjan & Devika Mittal, *The citizenship (amendment) act and the changing idea of Indian citizenship*, 24 Asian Ethnicity 463–481 (2023).

¹⁰ Michel Rosenfeld, *Constitution and secularism: A western account*, Constitutions and Religion (2020).

Buddhists, Jains, Parsis, and Christians who were not allowed to join the NRC, but they may still petition for citizenship under the CAA¹¹.

- Many individuals, particularly the underprivileged and disenfranchised, are worried that they might not have the necessary paperwork to establish their citizenship. Muslims may be disproportionately impacted by this, becoming stateless and at risk of incarceration or expulsion.
- Many believe that the CAA and NRC together are a means of selective exclusion that exacerbates religious differences and goes against the secularism concept.
- However, the government contends that the CAA is only a humanitarian statute that offers assistance to oppressed minority and that the NRC is required to detect and remove unlawful migrants.
- Widespread demonstrations and public disturbances have already resulted from the NRC and CAA's implementation, raising concerns that it may cause widespread disenfranchisement and human rights abuses¹².
- Any countrywide NRC, according to legal experts, must be carried out with explicit protections to avoid discrimination and guarantee that no group is arbitrarily singled out.

Socio-Political Implications

1. Public Protests and Civil Unrest

- Protests broke out across the country, especially in Maharashtra, Assam, Delhi, West Bengal, and Uttar Pradesh.
- Students, activists, political parties, and civil society organizations organized the protests because they believed the CAA was discriminatory.
- Human rights breaches were raised by police crackdowns that led to widespread arrests, fatalities, injuries, and internet shutdowns.
- Global solidarity movements were triggered by the demonstrations, and the government's conduct was denounced by international groups¹³.

¹¹ Suraj Gogoi & Rohini Sen, *National Register of Citizens (NRC) in assam: Within, without and beyond the law*, 50 *Journal of Ethnic and Migration Studies* 4828–4849 (2024).

¹² Debasreeta Deb, *Citizenship revocation and ruptures in Lifeworlds: Analysing the aftermath of the National Register of Citizens in Assam*, *Asian Ethnicity* 1–20 (2024).

¹³ Abu Sufian, *Geopoetics as contentious politics: Strategic relevance of the Miya Poetry Movement against the NRC-CAA in Assam, India*, *Third World Quarterly* 1–20 (2025).

- The public's growing mistrust of government policies fueled concerns about authoritarianism and religious marginalization.
- Regional concerns were also brought to light by the protests, especially in the Northeast, where concerns about demographic shifts and the loss of indigenous identity were major issues.

2. Impact on India's Social Fabric

- Fears of marginalization among Muslim populations have increased as a result of the CAA.
- Religious identity politics and community conflicts have increased.
- Heightened concerns about their rights and citizenship status among disadvantaged people.

3. Effects on Northeast India and Indigenous Communities

- The Act is opposed by indigenous tribes in the Northeast and Assam because they are concerned about population change.
- To allay local worries, measures like the Inner Line Permit (ILP) system were implemented.
- The loss of indigenous identity and cultural deterioration are still major concerns notwithstanding protections¹⁴.

4. Political Ramifications

- With an impact on both state and federal politics, the CAA has emerged as a crucial political issue.
- Political party divisions have widened as a result, with opposition parties accusing the ruling administration of using religion for political ends.
- Citing constitutional issues, several state governments have declined to execute the Act¹⁵.

5. International Repercussions

- Concerns about religious discrimination have been voiced by governments such as the United States, Canada, and Europe.
- A significant neighbor, Bangladesh, has reacted warily out of concern for the effects on their relationship.

¹⁴ Dhimoyee Banerjee & Amit Ranjan, *'illegal' migrants in Assam and West Bengal*, *The Aftermath of the Bangladesh Liberation War of 1971* 3–23 (2024).

¹⁵ Marie Lall & Kusha Anand, *The effects of the Indian political choice model on citizenship under the BJP government*, *Bridging Neoliberalism and Hindu Nationalism* 189–229 (2022).

- India's reputation as a democratic and secular country has suffered as a result of the Act¹⁶.

Conclusion

One of the most controversial legislative changes in contemporary India is the Citizenship Amendment Act (CAA), 2019, which has sparked intense discussions over its socio-legal, constitutional, and political ramifications. The exclusion of Muslims from its provisions has created serious doubts about its conformity with India's secular and democratic character, despite the government's defense of it as a humanitarian law meant to assist persecuted minorities from Pakistan, Bangladesh, and Afghanistan.

There have been several arguments against the Act. Its legitimacy has been questioned by legal scholars and campaigners, especially in view of Article 14 (Right to Equality), which states that legislation cannot discriminate without cause. Examples of Ahmadiyyas in Pakistan, Hazaras in Afghanistan, and Rohingya Muslims in Myanmar who have experienced persecution but are not covered by the Act's provisions have been used to refute the claim that Muslims do not endure religious persecution in the aforementioned nations. India's commitment to non-discrimination as a basic constitutional value is called into question by this selective approach to citizenship, which results in an arbitrary categorization.

Furthermore, the Act's discriminatory nature has sparked concerns about how it may affect India's secular fabric, which is protected by the Constitution and the Basic Structure Doctrine of the Supreme Court. The state's long-standing pledge to respect all religious communities equally is called into question by the inclusion of religion as a requirement for citizenship. Public mistrust has only grown as a result of concerns that the CAA and the National Register of Citizens (NRC) might result in widespread disenfranchisement, especially among Muslims. These worries have been made worse by the potential for non-Muslims who are unable to provide proof of their citizenship to still get legal status under the CAA, but Muslims in a same circumstance would be declared stateless.

The Act has caused significant polarization in Indian society from a sociopolitical perspective.

¹⁶ Vaishna Ashok & Vineeth Thomas, *The illiberal turn in Indian democracy: Shifting the trajectory of India's foreign policy*, 22 India Review 564–592 (2023).

Numerous populations' concerns are reflected in the massive demonstrations that followed the CAA. These include Muslims who fear discrimination, students who saw it as an assault on India's secular values, and indigenous tribes in the Northeast who fear the loss of their cultural identity. The general concern is that the Act creates a precedent for religious discrimination in the nation's citizenship legislation, despite the government's efforts to reassure the public that it has no effect on Indian nationals.

The opposition to the CAA is different in the northeastern states, especially Assam. The Northeast's resistance stems from worries about population shifts and the preservation of local identity, in contrast to other regions of India where the demonstrations center on religious persecution. The goal of the 1985 Assam Accord was to maintain the demographic balance of the area and stop illegal migration. By providing citizenship to those populations who would have previously been regarded as unlawful immigrants, the CAA defies this. Tribal territories and regions are exempt from the Inner Line Permit system in an effort to appease local residents, but the general opposition to the Act in these places shows how complicated the citizenship issues in India are.

The CAA has had equally important political repercussions. Political parties have become sharply divided as a result of it; opposing parties have condemned it as an effort to incite Hindu nationalism and institutionalize religious prejudice. Tensions between the federal and state governments have been exacerbated by the outspoken opposition of certain state governments to its implementation. International human rights groups, Western countries, and other organizations have criticized the Act because they are worried about how it may affect minority rights and religious freedom in India. Nations that are directly affected by the legislation, such as Bangladesh, have voiced diplomatic worries about the measure's potential effects on regional ties.

Moreover, it is impossible to overlook the Act's wider ramifications for India's democratic identity. India has always taken pride in its status as a multicultural society that values religious diversity. But the implementation of the CAA has raised concerns about a move toward majoritarianism, where laws could be influenced more by religious ties than by constitutional ideals. As seen by the reaction to the Act, the increasing communalization of political discourse points to deeper societal differences that, if ignored, may have long-term effects for social peace and national unity.

Despite these objections, the government has insisted that the CAA is intended to protect persecuted minorities rather than to target any one religious minority. By arguing that Muslim-majority nations do not usually oppress Muslims on the basis of their religion, it has attempted to defend the exclusion of Muslims. This argument, however, ignores the persecution of communities such as the Hazaras, Ahmadiyyas, and Rohingyas, as well as violence among religious sects. The government has also maintained that as the Act only applies to refugees vying for Indian citizenship, it has no bearing on Indian Muslims. This argument ignores the underlying belief that the Act is a step toward redefining Indian citizenship on the basis of religion, even though it is technically correct.

The future of the CAA will probably be decided by judicial review. The Supreme Court's decision about its constitutionality will have a significant impact on how India's citizenship rules develop in the future. The Act might establish a precedent for citizenship laws based on religion if the Court supports it. Should it be overturned, India's dedication to secularism and treating all communities equally will be reaffirmed. Either way, the decision would be momentous and may change how India views citizenship, migration, and national identity.

One of the most important legal and political issues in modern-day India is the Citizenship Amendment Act, 2019. Critics see it as a discriminatory move that threatens the secular and democratic fabric of the nation, while supporters contend that it solves a humanitarian issue by giving sanctuary to persecuted minority. The complexity of citizenship policy is shown by the Act's legal issues, relationship to the NRC, effect on social harmony, and geopolitical ramifications. India must strike a balance between the need to address humanitarian issues and its longstanding commitment to secularism and inclusivity as it goes forward. In addition to deciding the CAA's future, how this dispute is resolved will influence Indian democracy's larger story in the years to come.