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## **Analysing Citizenship Amendment Act's (2019) Conflict with Religion: A Complex Interplay**

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### **Abstract:**

*The paper concentrates mainly on the idea of citizens as compared to 'illegal migrants' and how a person suffers from the fear of losing their basic rights that comes with being a citizen just like that. The fear becomes more ultimate when there is a latent rumoured religious flavour attached with it. Through this discussion the author has tried to analyse the present condition of fear psychosis in India in the wake of the new amendment to the Citizenship Act (2019). The author also tried to analyse the protests that took birth as a result of dissatisfaction and anger from the people.*

**Keywords: Citizenship, Religion, Illegal Migrants, CAA, Protests.**

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**Introduction:** Citizenship, traditionally seen as a privilege bestowed upon individuals by the state, has always been a topic of heated debate. In an increasingly interconnected world, the concept of citizenship is undergoing significant scrutiny and reevaluation. This article aims to delve into the controversy surrounding citizenship, challenging traditional notions and advocating for a more inclusive and flexible approach. The current model of citizenship, rooted in the nation-state paradigm, is inherently exclusionary and perpetuates inequality. It arbitrarily divides individuals into insiders and outsiders based on birth, ancestry, or geographical location. This system creates an unjust hierarchy, where those fortunate enough to be born in privileged countries enjoy rights and opportunities that others can only dream of. The inherent inequality within citizenship is glaringly obvious when we consider the stark disparities in wealth, education, and opportunities between citizens of different nations. It is illogical and unfair to perpetuate a system that rewards individuals based on their place of birth rather than their abilities or contributions. The accident of birth should not dictate one's worth or opportunities in life. In an age of globalization, where people and ideas traverse borders more freely than ever before, the concept of fixed national boundaries is increasingly outdated. The world is witnessing unprecedented levels of migration, driven by factors such as economic opportunity, political instability, and climate change. These global challenges require a fundamental rethinking of citizenship. Advocates for a more inclusive approach to citizenship propose the concept of

transnational citizenship. This idea suggests that individuals should not be bound by the confines of a single nation-state but rather be allowed to belong to multiple communities simultaneously. Transnational citizenship recognizes the fluidity of identities and promotes a sense of shared humanity and global solidarity. Another perspective suggests that citizenship should be based on the fulfillment of social responsibilities rather than arbitrary borders. Instead of focusing on where a person was born or their ancestry, emphasis could be placed on an individual's commitment to upholding the values and principles of a society. This would create a system where citizenship is earned through active participation and contribution to the common good, irrespective of national boundaries. Critics of a more flexible approach to citizenship often raise concerns about national security, social cohesion, and economic stability. However, these concerns can be addressed through robust vetting processes, integration programs, and the recognition of shared values. A more inclusive approach to citizenship does not imply an absence of rules or accountability but rather a more nuanced and adaptable system that reflects the complex realities of our world.

### **Who are the 'Indian Citizens'?**

Citizenship is an essential legal concept that bestows rights, privileges, and responsibilities upon individuals within a nation-state. In India, citizenship is a multifaceted construct rooted in the principles enshrined in the Constitution. This article aims to define Indian citizenship, elucidating its components, modes of acquisition, and the rights and responsibilities associated with it. Indian citizenship refers to the legal status of individuals who are recognized as members of the Indian nation-state. It establishes their identity as Indian nationals and grants them certain fundamental rights and duties. The Constitution of India, adopted on January 26, 1950, provides the framework for the acquisition and regulation of citizenship in the country.

### **Indian citizenship can be acquired through the following modes:**

1. **Birth:** A person born within the territory of India on or after January 26, 1950, is considered a citizen by birth. However, there are exceptions for children born to foreign diplomats or enemy aliens.
2. **Descent:** Individuals born outside India to Indian citizens are eligible for Indian citizenship by descent, subject to certain conditions. The Citizenship Act of 1955 lays down the specifics regarding eligibility criteria and procedural requirements.
3. **Registration:** Foreigners who have resided in India for a minimum period and meet specified criteria can apply for Indian citizenship through registration. This process requires fulfilling certain conditions, including good conduct, renunciation of foreign citizenship, and adherence to Indian values.
4. **Naturalization:** Foreigners who have resided in India for a substantial period and meet additional qualifications can apply for Indian citizenship through naturalization. The Citizenship Act outlines the conditions, including residence duration, proficiency in a local language, and renunciation of foreign citizenship.

### **Indian citizenship confers a set of fundamental rights upon individuals. These include:**

1. **Right to Equality:** Indian citizens enjoy equality before the law, prohibiting discrimination based on religion, race, caste, sex, or place of birth.
2. **Right to Freedom:** Citizens have the right to freedom of speech and expression, assembly, association, and movement within the country. They also have the freedom to practice any religion.
3. **Right to Education:** Every Indian child, regardless of gender or background, has the right to free and compulsory education up to a certain age.
4. **Right to Vote:** Citizens have the right to participate in the democratic process by exercising their right to vote in elections, ensuring a representative government.
5. **Social and Economic Rights:** Indian citizens are entitled to various social and economic rights, including the right to work, social security, and protection against exploitation.

In short, Indian citizenship encompasses both rights and responsibilities that define the relationship between individuals and the Indian state. It is acquired through various modes, including birth, descent, registration, and naturalization. By recognizing and fulfilling their duties, Indian citizens contribute to the growth and development of the nation, while enjoying the rights and privileges conferred upon them by the Constitution (Mander, 2023).

### **The Citizenship Amendment Act (CAA):** Understanding its Purpose and Controversy.

The Citizenship Amendment Act (CAA) is a legislative act that generated significant controversy and sparked widespread debates in India. Enacted in December 2019, the CAA aimed to provide a streamlined path to Indian citizenship for specific religious minorities from neighboring countries. However, the act's implementation and its perceived exclusionary nature triggered protests, legal challenges, and concerns about its impact on India's secular fabric. In this article, we will delve into the background, key provisions, criticisms, and ongoing developments surrounding the CAA. The CAA was introduced by the Government of India with the objective of granting citizenship to persecuted religious minorities from Pakistan, Afghanistan, and Bangladesh, namely Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians. The act amended the definition of illegal immigrants and introduced provisions for the acquisition of citizenship. It reduced the required residence period for these religious minorities from these countries to apply for Indian citizenship from 11 to 5 years (Desai, 2019).

One of the primary criticisms leveled against the CAA is its exclusionary nature, as it explicitly excludes Muslims from the list of eligible religious minorities. Critics argue that this selective approach goes against the principles of secularism enshrined in the Indian Constitution. They contend that the act violates the constitutional guarantee of equal treatment under the law and could potentially marginalize and discriminate against Muslims, who form a significant minority in India. Furthermore, opponents of the CAA express concerns that it could undermine the Assam Accord, a historical agreement signed in 1985 to address illegal immigration issues in the state of Assam. The Accord aimed to detect and deport undocumented immigrants, irrespective of their religion, who entered

India after the Bangladesh Liberation War in 1971. Critics argue that the CAA's provisions, when combined with the National Register of Citizens (NRC) exercise, which requires individuals to prove their citizenship, could disproportionately affect marginalized and vulnerable communities, including Muslims, indigenous people, and other socio-economically disadvantaged groups (Desai, 2019).

The introduction of the CAA sparked nationwide protests across India. Critics and concerned citizens took to the streets, voicing their dissent and calling for the repeal of the act. Many protests turned violent, leading to clashes with law enforcement and arrests. Several legal challenges have been filed against the CAA in the Supreme Court of India, with petitioners arguing that the act violates the fundamental rights guaranteed by the Constitution. The court has taken up the matter for consideration, and the final verdict is still pending.

Since its introduction, the CAA has remained a contentious issue in Indian politics and society. The government has maintained that the act aims to protect persecuted minorities from neighboring countries, while opponents argue that it violates the principles of equality and secularism. The Supreme Court's decision on the legality of the CAA is eagerly awaited, as it will have significant implications for the future of the act and its potential impact on India's social fabric. The outcome will shape the ongoing debate on the balance between protecting the rights of religious minorities and ensuring a secular and inclusive society (Desai, 2019).

**Understanding the Conflict of Religion with CAA:** The CAA has been a subject of intense debate and controversy since its enactment. One of the primary sources of contention revolves around the alleged conflict between the CAA and religion. This article aims to provide an analysis of the CAA and its implications on religious communities in India, exploring the multifaceted dimensions of this complex issue. The CAA, passed by the Indian Parliament in December 2019, amended the Citizenship Act of 1955. It offers a path to Indian citizenship for undocumented migrants from six religious communities - Hindus, Sikhs, Christians, Jains, Buddhists, and Parsis - who entered India from neighboring Muslim-majority countries, including Pakistan, Bangladesh, and Afghanistan, on or before December 31, 2014. The act does not extend the same benefits to Muslim migrants. Critics argue that by excluding Muslims from the purview of the CAA, the legislation disproportionately targets and discriminates against Muslims. They claim that the CAA violates the secular fabric of the Indian Constitution, which guarantees equality and prohibits discrimination based on religion. Critics also contend that the CAA undermines the principles of inclusivity and pluralism that are foundational to India's ethos (The Hindu, 2019).

Proponents of the CAA argue that it is intended to safeguard religious minorities who face persecution in neighbouring countries due to their faith. They assert that the act provides a humanitarian gesture to those communities, ensuring their protection and an opportunity for a better life in India. Supporters also argue that the CAA is in line with

India's long-standing policy of granting refuge to persecuted religious minorities, as evidenced by the granting of citizenship to numerous Hindu and Sikh refugees from countries like Pakistan and Bangladesh in the past. Another aspect of the debate centres around the potential impact of the CAA on religious harmony and national security. Critics argue that the act could create a sense of exclusion and marginalization among Muslims, potentially fueling communal tensions and social discord. They fear that the religiously divisive nature of the legislation could undermine the social fabric of the country. Proponents, on the other hand, argue that the CAA does not affect the existing rights of Indian Muslims who are the actual citizens and are not illegal migrants. They contend that the act solely aims to address the specific plight of religious minorities from neighbouring countries and does not pose a threat to the religious harmony within India. The conflict between the CAA and religion is a complex issue that requires a nuanced understanding of the varied perspectives involved. While proponents argue that the CAA is a necessary step to protect persecuted religious minorities, critics see it as discriminatory and in violation of India's constitutional principles. The courts will play a crucial role in determining the legality and constitutionality of the CAA, while ongoing dialogue and constructive engagement between all stakeholders are essential to find a balanced and inclusive resolution to this contentious matter (The Economic Times, 2019).

### **Protests on the CAA: Voices, Concerns and Socio-political Implications.**

The CAA has faced multiple legal challenges, with petitions being filed in various courts. Critics have argued that the legislation violates the fundamental rights enshrined in the Indian Constitution. Additionally, there have been widespread public protests across the country against the CAA, expressing concerns about its potential repercussions on religious harmony and the constitutional principles of equality and secularism. The Citizenship Amendment Act (CAA), passed by the Indian Parliament in December 2019, sparked widespread protests across the country. The CAA aimed to grant expedited citizenship to non-Muslim refugees from neighboring countries such as Pakistan, Bangladesh, and Afghanistan. However, critics argued that the act was discriminatory, unconstitutional, and in violation of India's secular principles. This article delves into the protest movements that emerged in response to the CAA, highlighting their significance and impact on Indian society (The Economist, 2019).

The protests against the CAA began in the northeastern state of Assam, where concerns over the potential influx of migrants led to fears of demographic change. As news of the legislation spread, students, activists, and citizens from various socio-economic backgrounds joined the demonstrations. The movement soon gained momentum and spread to other parts of the country, including major cities like Delhi, Mumbai, Kolkata, and Chennai. There were mainly three key concerns basing on the CAA like on religion, constitutionality of the Act and also what to do regarding the matter of Assam. Opponents argued that the CAA violated the principles of secularism enshrined in the Indian Constitution by excluding Muslims from its purview, effectively making religion a criterion for granting citizenship. Constitutional Concerns: Critics contended that the CAA violated

Article 14 of the Indian Constitution, which guarantees the right to equality and prohibits discrimination on the grounds of religion, race, caste, sex, or place of birth. Assam's Concerns: In Assam, protests focused on fears of a demographic shift due to the potential inclusion of Hindu migrants from Bangladesh. Many argued that this would threaten the cultural, linguistic, and socio-political fabric of the region (India Today, 2019).

Protesters employed various tactics to voice their dissent, including peaceful marches, sit-ins, candlelight vigils, and public meetings. The protests saw a diverse range of participants, including students, academics, civil society organizations, human rights activists, artists, and members of marginalized communities. Social media played a crucial role in mobilizing support, organizing protests, and spreading awareness about the issue. The Indian government, led by the Bharatiya Janata Party (BJP), initially dismissed the protests as misguided and politically motivated. However, as the demonstrations grew in size and intensity, the government deployed security forces and resorted to heavy-handed tactics to suppress the dissent. Instances of police brutality, arrests of activists, and internet shutdowns were reported in several protest sites (The Economist, 2019).

There was a huge impact of the protest and it is definitely true that the protest holds legacy for the future generation to gain inspiration and knowledge from. The protest movements against the CAA garnered significant international attention, with media outlets and human rights organizations closely monitoring the developments. The Indian government faced criticism for its handling of the protests and allegations of human rights violations. The CAA was challenged in the Supreme Court of India on constitutional grounds. While the court did not grant a stay on the implementation of the act, it agreed to hear petitions challenging its constitutionality, which are still pending. The protests further deepened divisions within Indian society, leading to debates on issues such as secularism, nationalism, and the future of Indian democracy. The movement brought together individuals from different backgrounds and fostered a sense of solidarity among them. The protest movements against the Citizenship Amendment Act (CAA) in India represented a significant chapter in the country's recent history. They highlighted concerns of religious discrimination, constitutional violations, and fears of demographic change. Despite facing challenges and government crackdowns, the movements left a lasting impact on Indian society, sparking debates on secularism, nationalism, and the preservation of democratic values. The legacy of these protests continues to shape the discourse on identities, identity, citizenship, and inclusivity in India. While the outcome of the legal battles against the CAA is yet to be determined, the protests played a crucial role in bringing attention to these issues and mobilizing public opinion. It is important to note that the protest movements were not limited to the immediate concerns surrounding the CAA. They also served as a platform for broader discussions on social justice, minority rights, and the overall direction of the country. The movements highlighted the power of collective action and the role of citizens in shaping the narrative of their nation. Furthermore, the protests demonstrated the resilience and determination of the Indian people to safeguard the principles enshrined in the Constitution. The diverse range of participants reflected a united front against what they

perceived as an erosion of democratic values. The protests became a symbol of resistance and a demand for a more inclusive and egalitarian society (India Today, 2019).

The aftermath of the protest movements has also witnessed a surge in grassroots activism, with individuals and organizations working towards promoting communal harmony, interfaith dialogue, and raising awareness about citizenship rights. The legacy of these protests continues to inspire and empower citizens to engage in the democratic process, speak up against injustices, and actively contribute to shaping the future of their nation. However, it is important to acknowledge that the protests also led to divisions and polarization within Indian society. The issue of citizenship and religious identity remains a sensitive and contentious topic, with differing opinions on the matter. It is crucial for constructive dialogue and understanding to bridge these divides and work towards a more inclusive and harmonious society. The protest movements against the Citizenship Amendment Act (CAA) in India brought widespread attention to the concerns of religious discrimination, constitutional violations, and demographic change. These movements galvanized diverse sections of society, sparking debates on secularism, nationalism, and the future of Indian democracy. While the outcome of the legal battles is yet to be determined, the legacy of these protests continues to shape the discourse on identity, citizenship, and inclusivity in India. The movements serve as a reminder of the power of collective action and the resilience of the Indian people in upholding democratic values and striving for a more equitable society (The Economist, 2019).

**Conclusion:** The Citizenship (Amendment) Act (CAA) is a complex and controversial piece of legislation that has generated significant discussion and debate from various angles, including the religious perspective. The CAA, passed in India in December 2019, aims to grant citizenship to certain religious minorities from neighbouring countries, namely Hindus, Sikhs, Buddhists, Jains, Parses, and Christians, who have faced persecution on the grounds of religion. From a religious angle, proponents of the CAA argue that it is a necessary step to protect and support individuals belonging to religious minorities who have faced persecution in their home countries. They argue that providing them with a pathway to Indian citizenship is a humanitarian gesture in line with India's long-standing tradition of providing refuge to those seeking shelter due to religious persecution.

However, critics of the CAA argue that it violates the secular principles enshrined in the Indian Constitution by selectively favouring certain religious groups. They contend that the exclusion of Muslims from the list of eligible communities raises concerns about religious discrimination and undermines the principles of equality and non-discrimination. The religious aspect of the CAA has sparked passionate discussions on communal harmony, social justice, and the role of religion in shaping national policies. It has also ignited concerns about the potential implications for religious minorities within India and the broader communal fabric of the country. It is important to recognize that perspectives on the CAA from a religious angle are diverse and multifaceted. Different religious communities and individuals hold varied opinions, influenced by their own experiences, beliefs, and understanding of religious freedom, equality, and inclusivity. As with any complex issue, it

is crucial to engage in open dialogue, respect differing viewpoints, and work towards finding solutions that uphold the fundamental principles of religious freedom, equality, and social cohesion. It is through constructive discussions, inclusive policymaking, and safeguarding the rights and dignity of all individuals that societies can strive for a harmonious coexistence that transcends religious boundaries.

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