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INDIA'S CITIZENSHIP AMENDMENT ACT AND  
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# **THE VEIL OF DISCRIMINATION: UNPACKING INDIA'S CITIZENSHIP AMENDMENT ACT AND ITS ECHOING IMPACT**

Ananya Mohindra<sup>1</sup>

## **ABSTRACT**

India has long been praised as a beacon of secularism and democracy amid a world that is frequently characterised by instability and theocracy. However, if we focus on the developments taking place within our country, the illusion of secularism starts to disappear, exposing the harsh reality. Due to several religiously driven actions that disproportionately affect its Muslim minority, India is currently in the news on a global scale. The Citizenship Amendment Act of 2019, a piece of legislation that has sparked a heated discussion about the very nature of Indian identity, is at the epicenter of this storm. The Bharatiya Janata Party (BJP) party, which is currently in power in India, supports this action as a response to the discourse on Indian identity becoming ever-narrower.

Some see this change as the first legal foundation establishing India as the Hindu homeland. Hindu nationalism has steadily grown over time in India, becoming a movement with traction and a home inside the BJP. This right-wing powerhouse isn't afraid to make decisions that have far-reaching effects and frequently have a negative impact on the nation's minority Muslim community. The Citizenship Amendment Act, which is now in effect, calls into question the secularism and religious freedom values that India has long valued. It casts serious doubt on the country's future course and calls into question the very foundation of its secular principles and values.

Our in-depth review of the CAA includes a holistic evaluation of its

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compliance with both international and domestic legal standards. On the global stage, we carefully examine how the CAA comports with India's obligations under numerous treaties and agreements. I seek to provide a comprehensive understanding of the CAA's international implications by applying a range of international standards and examining the situation in accordance with India's treaty responsibilities. Our attention switches to assessing the CAA's compliance with domestic laws and the constitutional framework of India, which serve as the cornerstone of the country's democratic values, within the framework world of Indian legal principles. This analysis dives into the complex relationship between the CAA and Indian law, revealing areas of agreement and disagreement within the legal system that oversees the nation. My objective is to provide a thorough analysis of the CAA that clarifies its consequences from both international and domestic legal perspectives by navigating these challenging terrains.

## **KEYWORDS**

CAA, Human rights, Violation, Secularism, Muslims.

## **I. INTRODUCTION**

In the backdrop of Indian politics, a chilling specter looms large, casting a shadow of uncertainty over the nation's diverse fabric. This looming threat comes in the form of the BJP's surging Hindutva ideology, which sees India not as a blend of people different religions but as a Hindu state that includes Buddhists, Jains, and Sikhs as part of its definition of Hinduism while considering Islam as an alien and intrusive faith. The legitimacy of Muslim citizenship in India is contested within this ideological framework, which continues the group's structural marginalization. Yogi Adityanath, the Chief Minister of Uttar Pradesh and a member of the Bharatiya Janata Party (BJP), is known for his vehement speech. In 2005, he promised to purify India of all other religions and ushered in the "century of Hindutva."

More concerningly, a BJP lawmaker from Uttar Pradesh ventured to forecast that by 2024, India would transform into an entirely Hindu country. A grave warning was attached to this prophecy: Muslims who refused to adapt to Hindu culture would be forced to flee their motherland. With regard to this perspective, Indian Muslims are particularly exposed, as shown by the contentious Citizenship Amendment Act (CAA).<sup>2</sup>

Unquestionably, nations have the right to choose the requirements for citizenship. This independence does, however, come with a significant caveat: while nations continue to have the discretion to define their citizenship requirements, it is increasingly encouraged that these standards be consistent with both international law and customary norms. The United Nations, a symbol of global cooperation, has played a crucial role in establishing the norms that countries adhere to. The Universal Declaration of Human Rights (UNDHR), a landmark text that outlines a wide range of fundamental human rights that are inherent to all people, was approved by the United Nations in 1948, marking a significant turning point in history. Surprisingly, India not only supported the UNDHR but also actively contributed to its drafting. Despite not having a legal effect, the UNDHR serves as a major source of inspiration for numerous agreements that do have legal power. The UNDHR's Article 14 adamantly declares that every person has the unalienable right to seek asylum if they are being persecuted. The declaration also emphasizes the centrality of the right to nationality as a fundamental human right, as stated in Article 15. This reaffirmation of fundamental rights in the UNDHR is illustrative of the international commitment to preserving the dignity and well-being of every person, regardless of country boundaries.<sup>3</sup>

The Citizenship Amendment Act, 2019, and some of its most important

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<sup>2</sup> “Shoot the Traitors” Discrimination Against Muslims under India’s New Citizenship Policy (2020).

<sup>3</sup> Michelle Foster & Adil Hasan Khan, *CITIZENSHIP (AMENDMENT) ACT 2019 AND INTERNATIONAL LAW*, Institute for International Law and Humanities (2021).

ramifications will be examined in Part I of this article. In Parts II and III, we'll examine how Indian law and International human rights law relate to the Citizenship Amendment Act of 2019. The Citizenship Amendment Act will be discussed in Part IV of this study along with a conclusion that will be based on Indian politics.

## **II. PART 1**

The Citizenship Amendment Bill (CAB), a substantial legislative proposal to reform the Citizenship Act of 1955, was unveiled by the Indian government in 2016. On December 9, 2019, the lower house of the Indian Parliament, the Lok Sabha, approved the CAB as the CAA. major debates and protests were provoked by this legislative action, which received significant scrutiny on a national and international level.

### **• THE KEY PROVISIONS OF THE CAA**

At first look, the provisions of the CAA appear to be a lifeline, a ray of hope for migrants fleeing the oppressive reality of their home countries. This lifeline, nevertheless, is incredibly picky and subject to a complicated set of requirements. It offers the possibility of accelerated naturalization, but only to citizens of Bangladesh, Pakistan, or Afghanistan. Additionally, it limits this privilege to adherents of Hinduism, Sikhism, Buddhism, Jainism, Christianity, or Parsi faith. This selective method makes it even more difficult for foreign nationals to get Indian citizenship, making it all but exclusive.<sup>4</sup>

It becomes plainly obvious that the CAA not only practices religious discrimination but does so with a chilling precision. It unfairly targets persecuted groups that do not adhere to the predetermined religious standards, therefore turning a blind eye to some of the most helpless people who are in desperate need of safety. This change paves the way for

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<sup>4</sup> Taiyba Khan, *The Citizenship Amendment Act, 2019: A religion based pathway to Indian citizenship*, SSRN Electronic Journal (2020).

a sharply polarised narrative that appears to defend the rights of migrant non-Muslims while marginalizing those who practice Islam. Curiously, the CAA's time limit, which was established on December 31, 2014, makes it even more exclusive.<sup>5</sup> It becomes clear that the law is biased not just in how it is applied but also outwardly displays its bias. By definition, this amendment only helps non-Muslim migrants who come from Pakistan, Bangladesh, or Afghanistan if they entered India before or on that particular day. The obvious exclusion of Muslims, who make up a sizeable 18% of India's population, raises a host of queries and worries. It questions the entire foundation of inclusivity, equality, and respect for human rights that every country ought to strive to protect. The intricate layers of discrimination concealed within the CAA's text are exposed by the complicated web of exclusions and inclusions, necessitating a rigorous analysis of its underlying intentions and implications.<sup>6</sup>

### **III. PART 2**

- **UNDER INDIAN LAW**

A remarkable symbol of the Indian dream, the Constitution of India was fashioned in the brutal crucible of hard-won independence and the horrific sectarian unrest that marred undivided India's split. With great care and attention to detail, the framers of this sacred text sought to capture the spirit of the country in its grundnorm. The protection of equality rights was one of the most important threads weaved into this constitutional fabric. The framers understood the critical necessity to protect the idea of equality for all in a society racked by the pernicious wounds of caste and class-based discrimination. The assurance of secularism, a ray of hope in a country full of intercommunal conflict and bloodshed, was another essential tenet. Considering this wonderful constitutional heritage, it is

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<sup>5</sup> Nikhil E, *The citizenship (amendment) act, 2019 (CAA) conundrum*, SSRN Electronic Journal (2020).

<sup>6</sup> Taiyba Khan, *The Citizenship Amendment Act, 2019: A religion based pathway to Indian citizenship*, SSRN Electronic Journal (2020).

understandable that the CAA has drawn such strong criticism from those who feel it violates the deeply held right to equality.<sup>7</sup> The CAA is accused of violating the fundamental principles of the Constitution by implementing discriminatory classifications and weakening the secular nature of Indian citizenship legislation. Therefore, we must thoroughly examine the principles of secularism and equal protection. Then, armed with the knowledge they offer, we must subject the CAA to a rigorous constitutional examination. Then and only then will we be able to comprehend the true magnitude of the current constitutional dilemma and understand how the CAA affects the fundamental values that laid the groundwork for India's democratic aspirations.<sup>8</sup>

#### **IV. VIOLATION OF THE CONSTITUTION'S BASIC STRUCTURE**

Amidst the maze of constitutional complexities, a deep-seated accusation surfaces that reverberates across the annals of constitutional jurisprudence. This accusation goes straight to the core of the Indian Constitution, charging the Citizenship Amendment Act (CAA) with violating the sacred bounds of the fundamental framework. But one can wonder, what is the fundamental idea behind this concept of the basic structure? It is more than just an abstract idea; it is the embodiment of the organised ideas that support and relate the many clauses in the Constitution.<sup>9</sup> Similar to the sinews of a living thing, these principles give the constitutional fabric coherence and durability, guaranteeing it will withstand the test of time.

The fundamental tenet of the basic structure is the belief that the Constitution has an inherent identity that cannot be altered or distorted

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<sup>7</sup> Jaideep Singh Lalli, *Communalisation of Citizenship Law: Viewing the Citizenship (Amendment) Act 2019 through the Prism of the Indian Constitution*, 2020 U. OXFORD HUM. Rts. HUB J. 95 (2020).

<sup>8</sup> Taiyba Khan, *The Citizenship Amendment Act, 2019: A religion based pathway to Indian citizenship*, SSRN Electronic Journal (2020).

<sup>9</sup> Shama Mahajan, *Indian "Dreamers" and Citizenship Laws: A Tussle of Sovereignty and Human Rights*, 3 INT'L J.L. MGMT. & HUMAN. 341 (2020).

by the caprices of the legislative branch. The contentious recent amendment is accused of violating the preamble's core principles, which include equality, justice, the rule of law, and secularism. These principles serve as the foundation for the Constitution's tall and unwavering structure.

The **S.R. Bommai v. Union of India**<sup>10</sup> case is a landmark example of the untouchable principle of secularism in the annals of Indian legal history. The judges, in their wisdom, pronounced secularism to be an essential component of this sacred "basic structure," not merely an optional garnish. It serves as the benchmark by which all other laws must be evaluated. Furthermore, it goes without saying that any measure enacted by the Parliament that dared to violate the secularist tenets is unlawful.<sup>11</sup> But eventually, a country has to face its own reflection, and it is at this point that the recent change to India's citizenship legislation becomes a divisive reflection. This amendment long shadowed the sacred ideal of secularism by granting citizenship to non-Muslims, but only to those who entered before December 31, 2014. The idea of secularism, or "Sarva Dharma Sambhava," holds that all religions have equal legal standing. The state is obligated by its solemn pledge to refrain from promoting any one religion over another. This idea is not just empty platitudes; it is deeply ingrained in the Preamble and the structure of Articles 26–29 of the Constitution. The opponents, their scowls reverberating through the hallowed halls of justice, claim that this amendment goes beyond the bounds of India's "basic structure" in its uneven treatment of various religious sects.<sup>12</sup>

## V. IN VIOLATION OF ARTICLE 14

An accusation resounds loudly in the centre of the legal battleground,

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<sup>10</sup> MANU / SC / 0444 / 1994

<sup>11</sup> John Sebastian, *Under-inclusive laws and constitutional remedies: An exploration of the citizenship (amendment) act 2019*, 7 Indian Law Review 341–362 (2023).

<sup>12</sup> Dashampreet Kaur, *The Citizenship (Amendment) Act vis-a-vis the Indian Constitution*, 4 INT'L J.L. MGMT. & HUMAN. 670 (2021).

where the clash of values is taking place: Article 14, the sacred guardian of the right to equality, is violated by the Citizenship Amendment Act (CAA). The two-edged sword of reasonableness and arbitrariness is raised in this crucible in an attempt to cut to the core of an act that has caused a great deal of debate. The opposition, their voices unwavering, argue that the CAA has failed because it was unable to successfully negotiate the dangerous twin tests—those twin titans that determine whether equality would succeed or fail. The defender of the just and fair, reasonableness, has been abandoned, which has resulted in unfair treatment of equals and a violation of the fundamental principles of justice.<sup>13</sup> The spectre of arbitrary behaviour, which lingers in the corridors of power, has raised troubling problems that need to be addressed. Speaking for themselves, the judges in the revered halls of the *E. P. Royappa v. State of Tamil Nadu*<sup>14</sup> case brought about this change with words that would ring true through the ages and embody equality itself. "Equality is a dynamic concept," they declared, "with many aspects and dimensions, and it cannot be 'cribbed, cabined, and confined' within traditional and doctrinaire limits." It is a principle that contrasts the application of the law in a republic with the arbitrary and capricious powers of an absolute monarch. It is the antithesis of arbitrariness. They proclaimed that an act that is arbitrary is both unlawful in the perspective of constitutional law and unequal according to political reasoning. Article 14 of the Constitution took on a new significance as a result of this deep realisation, one that would permanently alter the definition of justice.<sup>15</sup>

The Citizenship Amendment Act (CAA) detractors address their objections in this context, within the confines of Article 14. They contend that in its attempt to pass the dual test of reasonableness, the CAA erred. They argue

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<sup>13</sup> Taiyba Khan, *The Citizenship Amendment Act, 2019: A religion based pathway to Indian citizenship*, SSRN Electronic Journal (2020).

<sup>14</sup> MANU / SC / 0380 / 1973

<sup>15</sup> Pujarani Behera, *A Detailed Study on Citizenship Amendment Act 2019*, 19 *Supremo Amicus* 378 (2020).

that the Act has led to an unjust classification that goes against the principles of justice and equity. They contend that the distinctions it makes are irrational and have no legitimate connection to the goal it aims to accomplish. Furthermore, they contend that because the classification violates the essential constitutional doctrine of secularism, the implied exclusion of Muslims makes it illegal and unconstitutional. They contend that there are differences based only on religion amongst all those who have experienced religious persecution. There are sects within the Muslim community that are persecuted for their religious beliefs in some nations.<sup>16</sup> There is no logical classification in the eyes of the law since the attempted classification is deemed unconstitutional because it goes against the secularism policy of the constitution. Regarding the reasonable nexus doctrine, they maintain that it is irrelevant when there isn't a legitimate classification. Even so, they argue that the law's very purpose—to legalise the unauthorised migration of some religious communities to the exclusion of another and to grant them citizenship—is in direct opposition to the secular policies enshrined in the Constitution, even if the rationality of the nexus is examined.<sup>17</sup>

## **VI. PART 3**

### **• INTERNATIONAL LAW STANDARDS**

Article 51<sup>18</sup> of the Indian Constitution is a guiding concept that lights the nation's path and serves as a beacon of knowledge within the larger framework of constitutional principles. It declares firmly that India would uphold and promote adherence to International law. This article reminds India—like other nations—that it must traverse the complicated web of international standards and principles in a world of varied cultures and

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<sup>16</sup> Talia Lewis, *India's Citizenship Amendment Act Violates International Human Rights*, 28 U. MIAMI INT'L & COMP. L. REV. 463 (2021).

<sup>17</sup> Pujarani Behera, *A Detailed Study on Citizenship Amendment Act 2019*, 19 *Supremo Amicus* 378 (2020).

<sup>18</sup> THE CONSTITUTION OF INDIA, ARTICLE 51

complex geopolitical connections.<sup>19</sup>

Regulating citizenship is a sovereign right in the modern world that should not be taken lightly. This sovereignty is not unrestricted, though, as countries are urged to formulate their citizenship standards in line with accepted international law principles and customary norms. The United Nations has been a beacon of hope for international collaboration and respect for human rights since the middle of the 20th century. The United Nations unveiled a momentous text, the Universal Declaration of Human Rights, in 1948, which is remembered as a turning point in history. It was an international proclamation of fundamental human rights that cut across national boundaries and cultural barriers. India was a key player in the creation of this historic agreement, not just an adopter but also a consistent contributor. Despite not being legally binding, the UNDHR provided inspiration for numerous treaties that eventually became enforceable.<sup>20</sup> Within the sacred corridors of the UNDHR, Article 14<sup>21</sup> proclaimed to the world that every individual was born with the inalienable right to seek refuge from oppression. Article 15<sup>22</sup> placed additional emphasis on the right to nationality, which is a fundamental human right and a symbol of humanity's common values. Examining the Indian government's conduct in relation to the CAA in this perspective is necessary, keeping in mind the international human rights framework. It is a story about justice and human rights, about due process being abused and international commitments going unfulfilled. In the pursuit of a more equitable and just world, it demands examination and responsibility.<sup>23</sup>

India is a signatory to two landmark international treaties that are beacons

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<sup>19</sup> Taiyba Khan, *The Citizenship Amendment Act, 2019: A religion based pathway to Indian citizenship*, SSRN Electronic Journal (2020).

<sup>20</sup> Pujarani Behera, *A Detailed Study on Citizenship Amendment Act 2019*, 19 *Supremo Amicus* 378 (2020).

<sup>21</sup> UNIVERSAL DECLARATION OF HUMAN RIGHTS, ARTICLE 14

<sup>22</sup> UNIVERSAL DECLARATION OF HUMAN RIGHTS, ARTICLE 15

<sup>23</sup> Taiyba Khan, *The Citizenship Amendment Act, 2019: A religion based pathway to Indian citizenship*, SSRN Electronic Journal (2020).

of human rights in the field of international justice: the International Covenant of Civil and Political Rights (ICCPR) and the International Covenant of Economic, Social, and Cultural Rights (ICESCR). Similar to pillars of virtue, these covenants defend humanity's core values and act as a barrier against injustice and prejudice. Every person has the inalienable right to freely choose their political status and embark upon the path of economic, social, and cultural development, according to the ICESCR, a monument to the common commitment of nations.<sup>24</sup>

Some of the important articles from the ICCPR are –

Article 2<sup>25</sup> of the International Covenant of Civil and Political Rights lays forth a strong commitment by state parties to defend fundamental rights without any form of discrimination, including race, religion, or social origin. The 1966 covenant places a strong emphasis on the duty of state signatories to guarantee that fundamental rights are upheld within their borders.

Article 26<sup>26</sup> emphasizes the prohibition of discrimination on any grounds, including race, religion, or social rank, and it upholds the idea of equality before the law.

Moreover, Article 24<sup>27</sup> of the ICCPR guarantees every child the right to obtain a nationality without facing discrimination on the basis of race or religion, thus extending these ideals to children as well. The covenant acts as an unwavering defender of human rights, opposing prejudice in all of its manifestations.

These profound treaties' echoes reverberate through the passage of time, acting as a sombre reminder of the duties that states have to their

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<sup>24</sup> Jaideep Singh Lalli, *Communalisation of Citizenship Law: Viewing the Citizenship (Amendment) Act 2019 through the Prism of the Indian Constitution*, 2020 U. OXFORD HUM. Rts. HUB J. 95 (2020).

<sup>25</sup> INTERNATIONAL COVENANT OF CIVIL AND POLITICAL RIGHTS, ARTICLE 2

<sup>26</sup> INTERNATIONAL COVENANT OF CIVIL AND POLITICAL RIGHTS, ARTICLE 26

<sup>27</sup> INTERNATIONAL COVENANT OF CIVIL AND POLITICAL RIGHTS, ARTICLE 24

inhabitants. The Indian government's actions in relation to the CAA need to be scrutinised through the lens of these international accords. It is a story about human dignity, fundamental rights, and the never-ending battle against discrimination; it inspires us all to stand up for justice and equality. Since these are more than just papers, they represent a global agreement to preserve humanity's core principles and are the expression of shared values. As a responsible nation, India has a duty to advance equality in all areas of life, including social, civil, and political rights as well as nationality.<sup>28</sup> For nothing less than the guarantee of equality and the elimination of discrimination are required by these treaties. This solemn pledge is called into question by the Citizenship Amendment Act. It introduces a clear favouritism towards some religions while obliquely rejecting others. Regardless of how the government chooses to word it, there is implied discrimination based on religious identity. The Indian government flirts dangerously near to discriminatory practises by keeping Muslims out of the CAA, thus expressing a preference that runs against to the spirit of these treaties.<sup>29</sup>

In the realm of the CAA, where the lives of migrants and refugees meet India's boundaries, a conversation takes place that is informed by two important international agreements that show the way towards sanctuary and humane treatment. The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol serve as the cornerstones of asylum, safeguarding each person's freedom to flee persecution. The sacred verses of Article 1 of the 1951 Convention defines a refugee as a soul who, before the dawn of January 1, 1951, found themselves caught in the complex web of well-founded fear. A terror that pushed people far from the safety of their native country, stemming from the trial by fire of race, religion, nationality,

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<sup>28</sup> Taiyba Khan, *The Citizenship Amendment Act, 2019: A religion based pathway to Indian citizenship*, SSRN Electronic Journal (2020).

<sup>29</sup> Shama Mahajan, *Indian "Dreamers" and Citizenship Laws: A Tussle of Sovereignty and Human Rights*, 3 INT'L J.L. MGMT. & HUMAN. 341 (2020).

affiliation with a specific social group, or political beliefs.<sup>30</sup> They are afraid and are therefore either unable or unwilling to seek the safety of their homeland's embrace. From the periphery of society, they are calling out for assistance and are looking for safety outside of the place they once called home.

Then, the Protocol on the Status of Refugees was unveiled in 1967, so releasing the definition of refuge itself. It broke through the geographical and temporal barriers, allowing its ideals to go beyond national boundaries and the sands of time. It cast a wide net, providing safety to everyone in need at anytime, anyplace. Even if India may not have written its commitment on these accords, it is nevertheless crucial to have a conversation about them. Because these treaties represent international customary norms and serve as a moral compass for governments regarding how to treat refugees, they are more than just words on paper. Their poems exhort signatory states to welcome refugees without hindrance, irrespective of their place of birth.<sup>31</sup> Their strength lies in their ability to withstand drastic actions based just on nationality, shielding the weak from unwarranted removal or forced return home. The treaties bear witness to humanity's steadfast dedication to providing shelter, protection, and advancement to those who seek sanctuary within their boundaries; they are more than just documents written on paper. They give asylum life—not just as an idea to be imagined, but as a real, attainable promise of hope, revitalization, and the quest for a better tomorrow.<sup>32</sup>

India is now subject to both international and national duties as a result of ratifying these treaties. It is dedicated to advancing equality in all spheres of life, including nationality, social, civil, and political rights, in

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<sup>30</sup>Dashampreet Kaur, *The Citizenship (Amendment) Act vis-a-vis the Indian Constitution*, 4 INT'L J.L. MGMT. & HUMAN. 670 (2021).

<sup>31</sup> Talia Lewis, *India's Citizenship Amendment Act Violates International Human Rights*, 28 U. MIAMI INT'L & COMP. L. REV. 463 (2021).

<sup>32</sup> Pujarani Behera, *A Detailed Study on Citizenship Amendment Act 2019*, 19 *Supremo Amicus* 378 (2020).

line with the values they support. The entire foundation of these United Nations conventions is violated by the practise of favouring some religions over others, as demonstrated by the CAA. It is a turn away from equality and the moral standards that the international community holds its signatories to. The Citizenship Amendment Act stands in stark contrast in this furnace of international duties, serving as a litmus test for India's dedication to the fundamental principles it helped codify into the history of human rights.<sup>33</sup>

## VII. PART 4

### • CONCLUSION

Deeper problems that have become ingrained in the core of India's identity are manifested in the Citizenship Amendment Act, with its glaring discrimination against muslims. Something more significant is at stake than just repealing the CAA or enacting a standard refugee legislation; it is the challenge that lies beyond the black letters of legislative text. Hindu nationalism is a movement that has been shaping and reshaping India's identity, and it is the source of the CAA. An oversimplification of a much wider issue would be to believe that the repeal of the CAA alone will put an end to the unrest and reduce the growing tensions among India's religious communities. The unjust treatment of a religious minority and the nefarious attempt to create an idealised Indian identity and homeland are the main issues at hand. This challenge goes right to the core of India's secular values, which include its claim to be a pluralistic and diverse nation.<sup>34</sup>

Fundamentally, the purpose of the CAA was to provide asylum to displaced individuals from nations with a majority of Muslims. However, it is

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<sup>33</sup> Taiyba Khan, *The Citizenship Amendment Act, 2019: A religion based pathway to Indian citizenship*, SSRN Electronic Journal (2020).

<sup>34</sup> Michelle Foster & Adil Hasan Khan, *CITIZENSHIP (AMENDMENT) ACT 2019 AND INTERNATIONAL LAW*, Institute for International Law and Humanities (2021).

imperative that India pay attention to the concerns raised by the world community, given that the country was built on secularism. India may be forced to adjust its position by external pressure, but significant change will need to be demanded by a large number of people. Unfortunately, world leaders have responded with restraint. One could argue that the rationale stems from the desire to further interests in commerce, education, economics, and counterterrorism. As China and Russia's power grows, the United States in particular appears eager to strengthen its relationship with India. The moral position is frequently subordinated to pragmatist politics.<sup>35</sup>

However, the passing of the CAA is a black mark on the otherwise bright future that the largest democracy in the world had hoped for. It creates a protracted cloud of uncertainty and a crisis of legitimacy for the Indian government. Allowing one group to be treated better than another creates a risky precedent.<sup>36</sup> It sets the stage for a capricious and arbitrary legislature that has the power to make the state into a hostile environment for all of its residents.

Removing the CAA alone won't be enough; we also need to take a comprehensive, all-encompassing approach to addressing India's ingrained prejudice towards minorities. One of the nation's core principles, secularism's promise, needs to be re-energized and maintained. The world is watching you, India. It's time to revive the spirit of unity and pluralism that has shaped your identity for generations.

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<sup>35</sup> Taiyba Khan, *The Citizenship Amendment Act, 2019: A religion based pathway to Indian citizenship*, SSRN Electronic Journal (2020).

<sup>36</sup> Pujarani Behera, *A Detailed Study on Citizenship Amendment Act 2019*, 19 *Supremo Amicus* 378 (2020).