



Constitutional Validity And Ethical Perspective Of Citizenship Amendment Act (Caa), 2019

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Abstract: The Citizenship (Amendment) Act, 2019 (CAA) has indeed ignited within it an ethical and also legal debate within India's constitutional framework. Citizenship is very fast-tracked specifically for Hindu, Sikh, Buddhist, Jain, Parsi, and Christian migrants from Pakistan, Bangladesh, and Afghanistan who entered India before December 31, 2014, because of religious persecution since this legislation amends the Citizenship Act of 1955. However, in the instance when they exclude certain Muslims and certain persecuted groups like Rohingya Muslims and Sri Lankan Tamils, they seriously concern the people in regard to religious discrimination, constitutional validity, and the secular character that the Indian state has. Criticism about the Act exists because of potentially violating Articles 14, 15, and 21 of the Indian Constitution since those do protect life and personal liberty, those do prohibit discrimination, and those ensure equality before any law. While the government defends entirely the Act because it addresses religious persecution in certain Islamic states in such a humanitarian manner, critics argue its quite selective inclusion of certain communities as well as countries does not classify reasonably under Article 14. The CAA has been greatly commended by people, from an ethical point of view, for protecting persecuted minorities, and it has also been strongly condemned for weakening India's pluralistic values. Public discourse and also judicial scrutiny do continue to be fueled by each of the constitutional, of the legal, and of the ethical dimensions of the CAA.

Introduction

It is one of the leading debated topics in India's citizenship laws. It made a change in the Citizenship Act of 1955, and it was targeted to help Hindus, Sikhs, Buddhists, Jains, Parsis, and also Christians are from Pakistan, Bangladesh, and Afghanistan to become Indian citizens. Under this law, illegal migrants from these religious communities they entered India prior to December 31, 2014 as a result of religious persecution. These certain people are eligible enough for it. citizenship. The exemption allows illegal immigrants to bypass the 11-year naturalization requirement and apply for citizenship within five years.¹ The CAA, 2019, did not include Muslims and groups like Sri Lankan Tamils as well as Rohingya Muslims face allegations of religious discrimination. The government defends this and said that the three neighbouring countries are Islamic nations where non-Muslim minorities face persecution, forced conversions, and discrimination, making it necessary to offer them protection.² CAA, 2019 has been a debated topic, especially about whether it follows the Indian Constitution includes Articles 14, 15, as well as 21. Article 14 states that the law applies in an equal manner. Also, it does provide protection for all of the people who are within the territory of India. The CAA unfairly

¹ The Citizenship (Amendment) Act, 2019, No. 47 of 2019.

² <https://timesofindia.indiatimes.com/blogs/beyond-the-headline/stop-the-citizenship-amendment-bill-is-not-anti-muslim> , <https://www.hrw.org/report/2020/04/10/shoot-traitors/discrimination-against-muslims-under-indias-new-citizenship-policy>

excludes Muslims and other groups because of their religion as a basis for citizenship, with critics saying it goes against this article. On the grounds of religion, race, caste, sex, or place of birth, discrimination against each citizen by the state is prohibited by Article 15. Non-citizens are always subject to the CAA. Critics were of the opinion that Article 21 protects the right to life as well as individual liberty, but citizenship that is based on religion encourages discrimination and destroys India's secular principles. There have been worries that the CAA might violate the fundamental rights of some people, especially Muslims, who lack the required documentation when it is merged with the official list of recognized citizens. The exclusive aspect of CAA poses moral, ethical, and equality issues with the government policy.³

1. The constitutionality of the CAA:

The Citizenship (Amendment) Act of 2019 (CAA) faces a key and primary legal challenge. Article 14 of the Indian Constitution guarantees equal protection under the law but the Act infringes upon those fundamental rights which violates Article 14. Critics stated CAA 2019 unreasonably as well as arbitrarily divides entirely based on religion along with origin country. This action opposes to Article 14 of the Indian Constitution.

Article 14 Test

Article 14 did not talk about absolute equality; the State can create classifications if they pass a two-pronged test, as mentioned in the 1952 when the West Bengal government took Anwar Ali Sarkar to court and later confirmed in many other Supreme Court decisions.

- **Intelligible Differentia** – The classification must be clear and reasonable distinction between groups.
- **Rational Nexus** – Rational Nexus means that the classification must logically connect in order to achieve the objective.
- The constitutional validity of the CAA, 2019, depends on whether it passes these two tests or not.

Government's Argument – Justifying the Classification

The government defends the CAA, 2019, and said that It provides a fast-track citizenship it. These three countries are officially Islamic states where people who are not minorities have suffered because of their religion, forced conversions, and discrimination. So, this law is not arbitrary because the law wanted to help the persecuted minorities from these Islamic nations; it is not random, but backed by clear reasoning.

Critics' Argument (Arbitrariness and Exclusion)

Critics argue that the classification under the CAA is arbitrary and it fails the Article 14 test due to:

- **Selective Inclusion of Countries:** This law only considers persecution in three countries, but ignores the Myanmar's Rohingya Muslims in and people of Tamils from Sri Lankas have suffered political oppression, and the inclusion of Afghanistan is questionable because it was never part of undivided India, unlike Pakistan and Bangladesh.
- **Exclusion of Persecuted Muslim Groups-** The CAA did not include certain Muslim sects that also face severe persecution, such as Ahmadis in Pakistan, who are declared non-Muslims under Pakistani law and face severe persecution, Hazaras in Afghanistan have been targeted by extremist groups and Shias in Pakistan and Afghanistan, who

³ <https://www.tsld.com/citizenship-amendment-act-constitutional-analysis>

have faced discrimination and violence.

- **Arbitrary Basis for Protection:** Critics said that citizenship laws should be based on persecution, not religion. If protection is the objective, then all persecuted groups, regardless of religion, should be included. By excluding persecuted Muslims, the CAA weakens on the humanitarian basis.

Does the CAA Pass the Article 14 Test?

The intelligible differentia, the first condition is met because it focuses on minorities from three Islamic states, and the second condition rational nexus, is debated because while the law claims to provide humanitarian relief but its selective approach did not include the persecuted groups from other countries, raising questions about its fairness.⁴

Violation of Protecting individuals from religious discrimination

Critics of the Citizenship (Amendment) Act, 2019 (CAA) said that it goes against the provisions of the Indian Constitution, mainly Articles 15 and 19.

Article 15 said that the government cannot discriminate against any Indian citizen based on religion, race, caste, gender, or place of birth. The CAA applies to non-citizens by offering citizenship to religious minorities from Afghanistan, Bangladesh, and Pakistan. Critics argue that leaving out Muslim migrants shows religious bias.

They believe this goes against India's secular values and the principle of treating everyone equally. The Indian government has responded to criticisms that Article 15 only applies to citizens and the CAA deals with granting citizenship to non-citizens, specifically religious minorities who suffered oppression from those three countries. So, according to the government, Article 15 is not relevant in this case.⁵

Violation of the fundamental freedoms ensured by Article 19 of the Constitution

Article 19 gives all Indian citizens basic freedoms, and it also includes the right to go anywhere in India and live in any part of the country. The main objective of the CAA involves citizenship benefits for non-citizens, yet opponents fear that the combination of NRC with CAA would affect vulnerable communities nationwide. They worry that those the absence of proper documentation makes proving Indian citizenship difficult for many, which prevents them from freely traveling or living anywhere throughout the country. The government explained that the CAA was introduced to give citizenship to minority groups who are escaping because of the religious discrimination from the neighbouring countries and it does not affect the citizenship status of any Indian citizen. The government also explains that the CAA and NRC are

different; the NRC is for identifying illegal immigrants, and the CAA helps specific groups get Indian citizenship. Prime Minister Narendra Modi has definitively assured that the CAA will not harm even a single Indian citizen. He stated that the law is only

meant to help people who are from other countries. These people have faced persecution as well as are seeking refuge in India.⁶

⁴ <https://www.tseld.com/citizenship-amendment-act-constitutional-analysis>, Indian Citizenship and Immigration Law by Amish Tandon 2022 P no. 345, <https://www.news18.com/opinion/opinion-citizenship-amendment-act-constitutional-perspectives-and-controversies-8817136.html>

⁵ <https://www.hrw.org/report/2020/04/10/shoot-traitors/discrimination-against-muslims-under-indias-new-citizenship-policy>, <https://theprint.in/opinion/caa-can-pass-constitutional-validity-in-sc-omission-of-muslims-christians-is-reasonable/2003090>

⁶ <https://link.springer.com/article/10.1007/s44282-024-00108-x>, <https://www.aljazeera.com/news/2024/3/12/why-is-indias>

Article 21: The fundamental right to life and personal freedom

The CAA, Article 21 of the Indian Constitution plays an important part in safeguarding the rights to life as well as to personal liberty. According to the Supreme Court, "Life" includes the right to live a life with respect as well as honor, which is important for refugees and migrants. Critics contend that the CAA along with NRC together could deprive many Muslims of their citizenship. This is, in fact, a dangerous outcome and violate Article 21. They said that granting citizenship to some illegal migrants based on religion while detaining or deporting others creates unequal treatment, which is a denial of this right. The government said that the CAA grants citizenship, not takes it away, so it no one's right was violated. It claims the law aims to let refugees, who faced large persecution for many years, live a truly dignified life. The government has extensively defended the CAA and argued that it simply does not. violate constitutional principles of equality or morality, and the law is legally valid.⁷

2. Ethical Perspectives on the CAA

Ethical Arguments in Favor of the CAA

Supporters of the Citizenship Amendment Act (CAA) believe that the law helps the religious groups in the minority who are suffering in nearby countries. They argue that people facing discrimination and danger in Pakistan, Afghanistan, and Bangladesh deserve a safe place to live. The CAA provides them with an opportunity to escape hardship and start a new life in India, a country known for its diversity and acceptance. This view tells the India's long history of providing refuge to those who are in need, regardless of their background. From this perspective, the CAA is just continuing this tradition by helping persecuted minorities who have no other place to go. The law advocates a dual objective of minority compassion alongside civilizational identity protection according to its backers. People in northeastern states of India express particular anxiety regarding changes in demographics and their effects on established populations.⁸

The drive to safeguard local cultures throughout India demonstrates the challenges India faces when trying to establish unified citizenship standards because India contains numerous diverse cultural groups. Through this act India demonstrates empathetic support for those who needed to leave their homeland because of religious persecution. The government said that its main goal is to protect religious minorities who had no choice but to leave their homes. However, using "religious persecution" raises concerns about its definition and proof, potentially leading to inconsistent or unfair application of the law.

Ethical Criticisms

The Citizenship Amendment Act has faced strong ethical criticism because some people said that this law treats people unfairly based on religion. The government said that Muslims cannot face persecution because of their religion in countries in which Muslims are in the majority. Critics argue that this is not true because some sects, like Ahmadiyyas and Hazaras, have been gravely persecuted in their own countries. Since these groups are not included in the

[citizenship-amendment-act-so-controversial](#)

⁷ <https://www.hindustantimes.com/india-news/citizenship-under-caa-will-be-granted-with-retrospective-effect-mha-101710250585431.html>, <https://vajiramandravi.com/upsc-exam/citizenship-amendment-act/>

⁸ <https://timesofindia.indiatimes.com/blogs/thedanispost/citizenship-amendment-act-a-compassionate-step-towards-humanity/>, <https://www.financialexpress.com/opinion/a-quest-to-preserve-bharatiya-civilizational-values-the-philosophy-behind-the-citizenship-amendment-act/3425488/>

CAA, it raises questions about the fairness and whether its humanitarian goals are truly universal. The critics do argue that the CAA subverts India's constitutional values of equality and secularism. Amnesty

International has said that it promotes religious discrimination. This law is the first in independent India to use citizenship requires religion, which many believe weakens the country's secular foundations.

Serious questions have been raised by international human rights organisations on whether the CAA complies with India's commitments to other countries. The Act violated international human rights rules and was deemed "fundamentally discriminatory" by the UN Human Rights Chief. Also according to Amnesty International, the CAA violates agreements that India has committed to defend, such as the ICCPR and ICESCR. The law faces criticism from Human Rights Watch for being unjust and restricting Muslim refugees of their rights. It's crucial to remember India has not accepted the 1951 Refugee Convention., which has an impact on how it responds to issues related to refugees. The possibility of statelessness resulting from the CAA and the idea for NRC is an important ethical concern. Critics fear that

Muslims may be declared non-citizens if they do not submit the required paperwork during the NRC procedure. These issues have been brought up by the circumstances in Assam, there was a many people who were not in the citizenship list.⁹

3. Relevant Judgments and Observations:

The Supreme Court's past decision gives important guidance on how the CAA will be evaluated. The Court has repeatedly stated that Article 14, which guarantees equality, applies to everyone in India, including non-citizens. This means that any difference in how migrants are must pass the "reasonable classification test" and the prohibition of "manifest arbitrariness" in state measures guided by Article 14. In the key judgments, like ase filed by E.P. Royappa challenging the actions of the State of Tamil Nadu said that equality means there should be no arbitrariness, will help in the decision, and the Court's views on religious freedom and secularism will be important in assessing whether the CAA affects these core constitutional values.¹⁰

The Supreme Court's recent ruling upholding Section 6A of the Citizenship Act could have an influence on the CAA case, since it grants citizenship to migrants who entered Assam at a time before March 24, 1971. Parliament's authority, concerning the creation of citizenship laws, was indeed recognized, as well as such recognition justifying the particular provision by the court based on historical and regional factors, as seen in the Assam Accord. This suggests that the Court may accept different citizenship rules for specific regions under unique circumstances. One dissenting opinion presented in the Section 6A case demonstrates conflicting views of the court regarding such classifications. Multiple legal experts view this court decision and its methods of rationing humanitarian action against regional and cultural variables as useful reference material for the current CAA evaluation process. The Supreme Court must now balance the humanitarian goals of the CAA with the equality and secularism principles of the Constitution.¹¹

⁹ <https://issi.org.pk/issue-brief-on-citizenship-amendment-act-indias-losing-grip-on-secularism/>,
<https://www.aljazeera.com/opinions/2024/3/15/the-devious-anti-muslim-dog-whistle-in-indias-citizenship-amendment-act>,
<https://radianceweekly.net/constitutional-experts-critique-citizenship-amendment-act-cite-constitutional-flaws/>,
<https://thewire.in/rights/discriminatory-in-nature-un-us-amnesty-international-slam-caa-rules>

¹⁰ <https://lawbhoomi.com/article-14-of-indian-constitution/>, <https://www.scobserver.in/cases/constitutionality-of-the-citizenship-amendment-act-2019-cao/>

¹¹ <https://economictimes.indiatimes.com/news/india/section-6a-of-citizenship-act-origin-issue-sc-verdict-explained/articleshow/114321085.cms?from=mdr>, <https://www.sconline.com/blog/post/2024/10/22/detailed-analysis-supreme-court-majority-verdict-section-6a-citizenship-act/>

Conclusion

The Citizenship (Amendment) Act, 2019 represents a critical turning point in India's citizenship jurisprudence, as well as it raises deep constitutional and also ethical concerns. Based upon religion and nationality, the Act's selective inclusion challenges the Indian Constitution's secular and inclusive spirit while the stated humanitarian objective is protecting persecuted minorities. It fairly questions compatibility with respective Articles 14, 15, and 21, notably if one views it with proposals such as the NRC. From an ethical view, the law divides and makes certain communities feel insecure, and so a more balanced and inclusive approach that is constitutionally sound is needed. As judicial scrutiny continues onward, so reconciling humanitarian intent with constitutional principles becomes more imperative. Preserving elements of justice, equality, and secularism throughout India requires this reconciliation in order to maintain foundational values.

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