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Citizenship and Statelessness in the Indian Legal System: A Post-CAA Analysis

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The Citizenship Amendment Act 2019 (CAA) has litigated critical debates on the nature of Indian citizenship and the problem of statelessness.¹ Embedded in the intricate socio-political and historical context of Partition, migration, and identity politics, the CAA represents a key departure from India's historically secular citizenship policy through its grant of a rapid naturalisation procedure for specific religious minorities from bordering nations, except Muslims. The intricate legal discourse on citizenship and statelessness in India is analysed in this article with specific reference to the effect of the National Register of Citizens (NRC) and the Citizenship Amendment Act (CAA). By undertaking a doctrinal and jurisprudential analysis, the article evaluates the compatibility of the CAA with constitutional principles such as equality, secularism, and non-discrimination.² It also explores the consequences of the CAA and NRC for weaker sections, particularly the poor, illiterates, and religious minorities, who are likely to be made stateless on account of their lack of documentation.³ The analysis also delves into India's obligations under international law, particularly the 1954 and 1961 Statelessness Conventions, to which India is not a party but is bound by customary international law principles.⁴ Through a critical assessment of judicial decisions, parliamentary debates, and international norms, this article concludes that while India has the sovereign right to define its

¹ Citizenship Amendment Act 2019

² Constitution of India 1950

³ "Shoot the Traitors": Discrimination Against Muslims Under India's New Citizenship Policy' (Human Rights Watch, 09 April 2020) <<https://www.hrw.org/report/2020/04/10/shoot-traitors/discrimination-against-muslims-under-indias-new-citizenship-policy>> accessed 04 June 2025

⁴ 'UN Conventions on Statelessness' (UNHCR) <<https://www.unhcr.org/in/about-unhcr/who-we-protect/stateless-people/ending-statelessness/un-conventions-statelessness>> accessed 04 June 2025

citizenship, such power must be exercised in conformity with constitutional values and human rights norms.⁵ The pressing necessity for a far-reaching legal framework that deals with statelessness is underlined, recommending reforms to the effect of a single and balanced process of naturalisation, protection against arbitrary loss of nationality, and ratification of international statelessness conventions.⁶ This article thus contributes to the evolving discourse on citizenship in India, emphasising the delicate balance between sovereignty, security, and human rights.⁷

Keywords: *caa, nrc, secularism, equality, human rights.*

INTRODUCTION

Citizenship is a constitutionally established legal status marking the connection of the individual to the State. It governs eligibility for access to rights, protection, and political engagement, giving one's identity, as well as dignity, shape. The debate around citizenship in India has invariably been mixed with issues of migration, religion, and national identity. The enactment of the Citizenship Amendment Act 2019 (CAA) and the proposed nationwide National Register of Citizens (NRC) have increased the debate regarding citizenship and the peril of statelessness for vulnerable populations.⁸ The CAA, providing expedited citizenship to non-Muslim migrants from Afghanistan, Bangladesh, and Pakistan, is a clear departure from India's secular constitutional heritage, casting suspicion on religious bias and possible statelessness.

The present article attempts to critically examine the Indian legal regime on citizenship in the context of the CAA and its effects on statelessness. It starts tracing the historical development of Indian law on citizenship and the constitutional scheme.⁹ It then examines critically the provisions of the CAA and their implications in law and ethics.¹⁰ The article also explores the notion of statelessness under international law and the Indian legal environment, and how the existing legal regime is ineffective in dealing with this phenomenon.¹¹

⁵ Gautam Bhatia, *The Transformative Constitution* (HarperCollins 2019)

⁶ Amnesty International India, *Designed to Exclude: How India's Courts and Bureaucracy are Disenfranchising Indian Citizens* (2020)

⁷ Bhatia (n 5)

⁸ Citizenship Amendment Act 2019

⁹ Constitution of India 1950

¹⁰ Citizenship Amendment Act 2019

¹¹ UN Conventions on Statelessness (n 4)

HISTORICAL EVOLUTION OF CITIZENSHIP IN INDIA

Indian citizenship discourse has also developed immensely after independence, influenced by the historical events of Partition in 1947, mass migrations, and constitutional evolution. The Constitution-making process was critical in deciding who would be a citizen of the newly established Republic.¹²

The Constitution of India, which came into force on January 26 1950, initially addressed citizenship in Articles 5 to 11 under Part II. These provisions were transitional, meant to determine citizenship at the commencement of the Constitution. Article 5 provided citizenship to those domiciled in India at the commencement of the Constitution.¹³ Articles 6¹⁴ and 7¹⁵ addressed migrants from Pakistan, granting citizenship to those who wandered to India before July 19, 1948, and excluding those who migrated after, unless they had returned with permits for resettlement. Article 8 recognises Indian citizenship for persons of Indian origin who reside abroad.¹⁶ The power to regulate citizenship post-Constitution was left to Parliament under Article 11.¹⁷

The Citizenship Act 1955, enforced on this mandate, brought together the law on acquisition, determination, and cessation of Indian citizenship.¹⁸ It provided citizenship by birth, descent, registration, naturalisation, and inclusion of the territory. There were several amendments over the years with changing political priorities, particularly on immigration from neighbouring countries. The 1986 and 2003 amendments made the requirements for citizenship by birth stricter and added the Overseas Citizen of India class, respectively. The 2003 amendment also gave the government power to compile the National Register of Indian Citizens, setting the stage for the current controversy.

These changes reflected growing anxieties about illegal immigration, particularly from Bangladesh, and the perceived demographic and cultural threats posed by such migration.

¹² Austin Granville, *The Indian Constitution: Cornerstone of a Nation* (OUP 1966)

¹³ Constitution of India 1950, art 5

¹⁴ Constitution of India 1950, art 6

¹⁵ Constitution of India 1950, art 7

¹⁶ Constitution of India 1950, art 8

¹⁷ Constitution of India 1950, art 11

¹⁸ The Citizenship Act 1955

However, none of these prior amendments introduced religious criteria for citizenship, thereby preserving the secular character of Indian citizenship law until the CAA.

THE CITIZENSHIP AMENDMENT ACT, 2019: TEXT AND CONTEXT

The Citizenship Amendment Act 2019, passed by Parliament in December 2019, amended the Citizenship Act 1955 to provide a path to citizenship for 'illegal migrants' belonging to Hindu, Sikh, Buddhist, Parsi or Christian people from Afghanistan, Bangladesh, or Pakistan who moved into India on or before December 31, 2014.¹⁹ The amendment exempts these groups from the definition of 'illegal migrants' under Section 2(1)(b) of the Citizenship Act and reduces the period of naturalisation from 11 years to 5 years for them.

The government justified the CAA as a humanitarian measure aimed at protecting persecuted minorities from Islamic republics. But the denial of Muslims included within its purview created grave constitutional and legal issues. Opponents hold that the CAA infringes the guarantee of Article 14 of the Constitution regarding equality before the law and equal protection under the law.²⁰ The use of religion as a ground for differential treatment, unless based on intelligible differentia and rational nexus with the object of the law, fails the test of constitutional scrutiny.

Further, the CAA's link with the NRC raised fears of large-scale exclusion of individuals unable to prove citizenship. The NRC exercise in Assam had already left nearly 1.9 million people excluded, many of them poor, marginalised, and lacking documentation, regardless of religion. The prospect of combining the NRC with the CAA at a national level posed a real risk of rendering many, especially Muslims, stateless, as the CAA provided relief only to non-Muslims.

The Act thus raised pressing questions about the nature of the Indian Republic – whether it would remain secular and inclusive or move towards a majoritarian and exclusionary framework of citizenship.²¹

¹⁹ The Citizenship (Amendment) Act 2019

²⁰ Constitution of India 1950, art 14

²¹ Harsh Mander, 'Battle against CAA, NRC, NPR to be long one' *The Hindu* (26 February 2020) <<https://www.thehindu.com/news/national/battle-against-cao-nrc-npr-to-be-long-one-harsh-mander/article30898404.ece>> accessed 04 June 2025

LEGAL AND CONSTITUTIONAL CHALLENGES TO THE CAA

The Citizenship Amendment Act 2019 has been challenged on several legal and constitutional grounds before the Supreme Court of India. Petitioners contend that the CAA violates the fundamental rights in the Constitution, particularly Articles 14, 15, and 21, and undermines the secular fabric of the Indian State.

Violation of Article 14 – Equality Before Law: Article 14 of the Constitution of India ensures that all citizens are treated equally and receive the same protection. Article 14 allows reasonable classification, but such classification has to be based on an intelligible differentia and has to have a rational nexus with the object sought to be promoted.²² The CAA distinguishes illegal migrants based on religion by excluding Muslims from its protective umbrella.

The government defends the classification on the grounds of religious persecution in the specified Islamic nations. However, critics argue that the exclusion of similarly placed persecuted minorities such as Ahmadiyyas and Shias in Pakistan, Rohingyas in Myanmar, and Tamil Hindus in Sri Lanka undermines the rationality of the classification. The Supreme Court in *Navtej Singh Johar v Union of India* affirmed that the test of manifest arbitrariness must also be satisfied, and any capricious or irrational classification is constitutionally infirm.²³

Secularism and Article 15: Though Article 15²⁴ prohibits discrimination on the grounds of religion only concerning access to public spaces and state-sponsored benefits, secularism is a fundamental feature of the Constitution, as held in *S R Bommai v Union of India*.²⁵ By incorporating religion as a condition for eligibility for citizenship, the CAA undermines secularism, which requires the State to be equal in matters of religion. The preamble of the Constitution proclaims India to be a secular republic, and a religion-based citizenship law dilutes this core principle.

²² Constitution of India 1950, art 14

²³ *Navtej Singh Johar v Union of India* (2018) 10 SCC 1

²⁴ Constitution of India 1950, art 15

²⁵ *S R Bommai v Union of India* (1994) 3 SCC 1

Right to Life under Article 21 and Risk of Statelessness: Article 21²⁶ guarantees all persons, including non-citizens, the right to life and personal liberty. The linkage between the CAA and NRC, especially in Assam, has raised the spectre of many people being stateless, thereby losing access to fundamental rights. The Supreme Court in *Maneka Gandhi v Union of India* held that the right to life includes the right to live with dignity.²⁷ Refusal of citizens their citizenship or exclusion from the rolls of citizenship without due process can violate this right.

Federalism and Role of the States: Several State Governments have passed resolutions against the enforcement of the CAA. Although citizenship is a Union subject under Entry 17, List I of the Seventh Schedule, its implementation has administrative and policing implications that require State cooperation. The Centre-State tensions regarding the CAA reflect deeper federal concerns and the need for cooperative federalism, especially concerning fundamental rights and civil liberties. The constitutionality of the CAA is under Supreme Court review, and its decision is highly anticipated. The ruling will affect constitutionalism, minority rights, and the future of Indian democracy.

STATELESSNESS: CONCEPT, INTERNATIONAL FRAMEWORK, AND INDIA'S POSITION

Statelessness refers to the condition of a person who is not considered a national by any State under the operation of its law. Stateless individuals often lack fundamental rights such as education, healthcare, employment, property ownership, and political participation. The causes of statelessness are multifaceted, ranging from discriminatory laws, gaps in nationality laws, state succession, denial of documentation, and administrative failures to the arbitrary deprivation of citizenship.

In the Indian context, the risk of statelessness has become more visible due to the CAA-NRC framework. Millions, particularly in frontier areas such as Assam, risk losing their citizenship rolls because they lack documents, are illiterate, or are confronted with administrative hurdles.²⁸ Disenfranchisement usually impacts women, minorities, indigenous peoples, and

²⁶ Constitution of India 1950, art 21

²⁷ *Maneka Gandhi v Union of India* (1978) 1 SCC 248

²⁸ 'Ensuring birth registration for the prevention of statelessness' (UNHCR, January 2024)

<<https://data.unhcr.org/fr/documents/download/109697>> accessed 04 June 2025

the poor. Once disenfranchised, individuals are threatened with indefinite detention, denial of socio-economic rights, and statelessness in both practical and legal senses.

International Legal Framework on Statelessness –

The international community has found the problem of statelessness through two key conventions:

- The 1954 Convention on the Status of Stateless Persons defines stateless persons and provides for their legal status and minimum rights.
- The 1961 Convention on the Reduction of Statelessness lays down safeguards to prevent statelessness, particularly at birth and through loss or deprivation of nationality.²⁹

Both conventions emphasise the importance of preventing the arbitrary loss of nationality and making children acquire nationality at birth. Moreover, Article 15 of the Universal Declaration of Human Rights states that ‘Everyone has the right to a nationality, and no one shall be deprived of that nationality without cause.’ However, India is not a signatory to the 1954 or the 1961 Convention. In spite of this, it is bound by customary international law principles that discourage statelessness and require the protection of human rights. India has participated in UNHCR consultations on statelessness and has made public commitments to reduce it, but these have not translated into concrete legislative or policy action.

India’s Approach to Statelessness: India lacks a particular legal framework to ascertain, safeguard, or naturalise stateless individuals. The term ‘stateless person’ does not exist in Indian law, i.e., the Citizenship Act, Foreigners Act, or Passports Act. Illegal migrants are instead addressed as illegal immigrants, who can be arrested and deported regardless of whether they are stateless or not. Lack of the official Statelessness Determination Process (SDP) makes it worse. The vulnerable persons are left in limbo legally, with no rights, and usually suffer long-term detention. In *Mohammad Salimullah v Union of India*, the Supreme Court withheld protection for Rohingya refugees despite international pressure, highlighting India’s restrictive policy in this regard.³⁰ If implemented nationwide without adequate safeguards, introducing the CAA and the proposed NRC could exacerbate the problem by

²⁹ UN Conventions on Statelessness (n 4)

³⁰ *Mohammad Salimullah v Union of India* (2021) SCC OnLine SC 286

creating a large population whose nationality is in doubt without providing a remedy for those stateless.

CAA, NRC AND THE RISK OF MASS STATELESSNESS: ASSAM AS A CASE STUDY

Assam presents a unique and cautionary example of how legal and administrative mechanisms designed to identify citizens can lead to mass exclusion and statelessness. The roots of the conflict lie in the long-standing fear among Assamese communities of being culturally and economically marginalised by 'outsiders,' particularly illegal migrants from Bangladesh. This fear was the basis for the Assam Movement (1979–1985), culminating in the Assam Accord 1985.³¹ The Accord promised the detection, deletion, and deportation of all foreigners who had entered Assam after 24 March 1971.

To implement this, the Citizenship (Amendment) Act 1986 introduced Section 6A to the Citizenship Act, providing special provisions for Assam. The most controversial outcome of this framework was the National Register of Citizens exercise, conducted under the supervision of the Supreme Court from 2013 to 2019.

The NRC aimed to identify genuine Indian citizens in Assam by requiring individuals to provide documentary evidence of their lineage dated before 24 March 1971. On 31 August 2019, the final list was published, excluding nearly 1.9 million people. The excluded included both Hindus and Muslims, many of whom lacked birth certificates, land records, or other documents due to poverty, illiteracy, or displacement. Women, whose identities often derive from male family members, were especially vulnerable.

While the NRC was presented as a neutral documentation exercise, the later enactment of the CAA changed its meaning. Excluded non-Muslims according to the CAA could avail themselves of fast-track citizenship if they claimed to have come from Bangladesh. Muslims, however, were refused all legal remedies, leaving them especially vulnerable to statelessness. This religious split anticipated claims of discriminatory motive and further entrenched the Muslim community in Assam and elsewhere.

In addition, there is no legal process to ascertain whether the excluded persons are illegal aliens or stateless. Detention centres have been established in Assam for those declared

³¹ Ministry of Home Affairs, *Assam Accord* (1985)

foreigners, but the legal procedures to challenge exclusions are expensive, complex, and opaque.³² Many have languished in detention without trial or access to judicial remedy.

The Assam case is thus a perfect illustration of how documentation-based regimes of citizenship, when coupled with discriminatory exclusions, produce large-scale de facto statelessness. It underlines the need for humane, inclusive, and constitutionally fair processes for determining citizenship, and that non-arbitrariness is not depriving any individual of nationality.

JUDICIAL RESPONSE TO THE CAA AND RELATED ISSUES

The Indian judiciary, mainly the Supreme Court, has an important role as protector of the Constitution and basic rights. Due to the strong opposition to the Citizenship Amendment Act (CAA), several petitions questioning its constitutional validity were presented before the Supreme Court in early 2020. Up to now, mid-2025, the Court still has not made a final ruling despite the deep-seated constitutional and humanitarian issues the case presents.

Constitutional Questions Pending before the Supreme Court: More than 140 petitions have been submitted questioning the CAA, claiming the act violates Articles 14 and 21 of the Constitution and its basis. The petitioners include opposition parties, civil society organisations, retired civil servants, and affected individuals. They contend that the law is religiously discriminatory, that it undermines the secular structure of the Constitution, and that it risks rendering large segments of the population stateless, particularly in connection with the NRC. The Supreme Court, by giving the Union Government notices in January 2020, has given no interim relief or put on hold the enforcement of the CAA.³³ It has not transferred the case at lightning speed under pressure from the petitioners either. This judicial procrastination has been criticised for creating legal uncertainty and failing to protect vulnerable groups.

The Court's Approach in Related Precedents: In earlier decisions, the Supreme Court generally took a restrictive view of citizenship rights, particularly in the context of illegal migration. For instance, in *Sarbananda Sonowal v Union of India*, the Court struck down the

³² "Shoot the Traitors": Discrimination Against Muslims Under India's New Citizenship Policy (n 3)

³³ Utkarsh Anand, 'Supreme Court does not stay CAA, takes up 237 petitions' *Hindustan Times* (20 March 2024) <<https://www.hindustantimes.com/india-news/sc-does-not-stay-caa-takes-up-237-petitions-101710872677750.html>> accessed 04 June 2025

Illegal Migrants (Determination by Tribunals) Act, 1983, citing national security concerns and holding that the Act made it difficult to detect and deport illegal immigrants from Bangladesh.³⁴ However, in other contexts, the Court has been more progressive. In the case of *National Human Rights Commission v State of Arunachal Pradesh*, the Court strongly condemned the expulsion of Chakma refugees and directed that their citizenship applications be processed. In *Mohammad Salimullah v Union of India*, however, the Court refused to stop the deportation of Rohingya refugees despite international concerns, suggesting a prioritisation of executive discretion over humanitarian norms.

Delay and Judicial Minimalism: The delay by the Court in ruling on the CAA petitions, while constitutionally noteworthy, is one of a series of judicial minimalism trends in politically charged cases. As compared to its activism in PILs related to governance or environmental concerns, the Court has hesitated to confront the executive on constitutional issues like citizenship, secularism, and minority rights. The failure to pronounce on the validity of CAA over five years after its passage raises concerns about judicial abdication of its constitutional role. Thus, while the judiciary remains a potential bulwark against arbitrary state action, its inaction in the CAA context has increased insecurity and uncertainty for millions whose legal status and rights now hang in the balance.

COMPARATIVE INTERNATIONAL PERSPECTIVES ON CITIZENSHIP AND STATELESSNESS

In order to better understand India's reaction to statelessness and citizenship in the light of the Citizenship Amendment Act (CAA), it is helpful to examine other nations' attempts to deal with the same issue. A comparative approach offers rich insights into international legal standards, human rights norms, and best practices for the prevention of statelessness and promotion of inclusive citizenship.

Bangladesh and Pakistan: Religion-Based Exclusions: Both Pakistan and Bangladesh, the two nations from which the CAA supposedly wants to protect religious minorities, have had an ambivalent relationship with citizenship and statelessness. Pakistan's Constitution defines Islam as the religion of the State, but bestows citizenship rights regardless of religion. Sectarian oppression, however, particularly against Ahmadis, still exists, and their

³⁴ *Sarbananda Sonowal v Union of India* (2005) 5 SCC 665

citizenship rights tend to remain under attack.³⁵ Likewise, in Bangladesh, Hindu minorities were reported to have been persecuted and discriminated against, but Muslims and other groups are not formally excluded from citizenship. Neither country, however, has established transparent systems for determining statelessness or protecting stateless individuals.

United States: Jus Soli and Judicial Safeguards: The United States follows a jus soli (right of the soil) principle for granting citizenship, meaning anyone born on U.S. soil is automatically a citizen, regardless of the parents' nationality or immigration status, as affirmed in *United States v Wong Kim Ark*.³⁶ The U.S. Supreme Court has consistently upheld the rights of non-citizens and has placed limits on the government's power to detain or deport individuals arbitrarily. Further, the U.S. also has asylum and protected status systems to prevent statelessness.

European Union: Human Rights-Friendly and Inclusive Framework: The European Union has also been rights-based in its approach to nationality and statelessness. Member States are parties to the 1954 and 1961 Statelessness Conventions. Many have implemented Statelessness Determination Procedures (SDPs) and offer protection, including residence rights and pathways to naturalisation. For instance, Spain grants nationality to children born stateless within its territory. The European Court of Human Rights (ECHR) has also intervened to protect individuals from arbitrary denial or deprivation of nationality, framing such acts as violations of the right to privacy and family life is guarded by Article 8 of the European Convention on Human Rights (ECHR).

Nepal and Sri Lanka: Ethnic Identity and Citizenship: In South Asia, Nepal and Sri Lanka provide instructive parallels. Nepal historically denied citizenship to large numbers of women and people of Indian origin. The 2006 Citizenship Act and 2015 Constitution made partial reforms but retained patriarchal and exclusionary provisions. In Sri Lanka, the 1948 Ceylon Citizenship Act rendered thousands of Tamils of Indian origin stateless for decades. It took several amendments and international pressure for the government to restore their rights.

³⁵ 'Pakistan Events of 2018' (*Human Rights Watch*, 2019) <<https://www.hrw.org/world-report/2019/country-chapters/pakistan>> accessed 04 June 2025

³⁶ *United States v Wong Kim Ark* [1898] 169 US 649

Lessons for India: Comparative analysis underscores two significant trends—first, that religion-specific exclusions in citizenship acts are worldwide exceptions and more commonly seen as contravening human rights norms; and second, that robust legal regimes for detecting and safeguarding stateless individuals are essential to avoiding humanitarian crises. India's CAA is an impressive step in the face of the international trend towards inclusion, non-discrimination, and prevention of statelessness. India, being a secular constitutional democracy, should see to it that its citizenship regime does not lead to discrimination, arbitrariness, or statelessness. Ratifying international conventions and instituting domestic legal mechanisms in line with global best practices would be critical steps forward.

TOWARDS A REFORMED CITIZENSHIP FRAMEWORK: RECOMMENDATIONS

Considering the constitutional, humanitarian, and international issues evoked by the Citizenship Amendment Act (CAA) and the linked threat of statelessness, an overhaul of India's citizenship system is urgently needed. Below are recommendations that seek to sync India's citizenship laws with constitutional ideals and global human rights standards.

Repeal or Amend the CAA to Remove Religious Criteria: The most pressing reform is to repeal or amend the CAA to eliminate religion as a basis for differential treatment. Citizenship should be granted on humanitarian grounds without discrimination based on faith. The protection of persecuted minorities from neighbouring countries must include all vulnerable groups, including Muslims, such as the Rohingyas from Myanmar, Ahmadis and Shias from Pakistan, and Tamil Hindus from Sri Lanka. This would restore the secular character of Indian citizenship law and uphold the principle of equality under Article 14.

Establish a Statelessness Determination Procedure (SDP): India should implement a formal legal framework to recognise and safeguard stateless individuals, as per the 1954 and 1961 Statelessness Conventions. A good SDP should incorporate the following:

- An unambiguous legal definition of statelessness;
- Independent administrative procedures with access to legal aid and appeal;
- Protection against detention and deportation;
- Provision of socio-economic rights and eventual naturalisation pathways.

Such a mechanism would prevent arbitrary detention and help ensure that persons at risk of statelessness receive due process and humanitarian protection.

Ratify the 1954 and 1961 Statelessness Conventions: India should ratify the two UN Conventions relating to stateless persons and reducing statelessness. Although non-binding, ratification would strengthen India's international standing and demonstrate its commitment to human rights. These treaties safeguard against creating stateless populations and set minimum treatment standards.³⁷

Ensure Due Process in Citizenship Determinations: All powers under the Foreigners Act, NRC, and other citizenship-related tools must be subject to the discipline of due process. Prior notice, a chance to be heard, and legal representation should be extended to individuals. Tribunals have to be judicially reviewed and independent. The onus of proof cannot be reasonably placed upon marginalised sections who might not possess documents due to exclusion from the system.

Protect the Rights of Children: India should ensure that no child is born stateless. The Citizenship Act amendments should include a provision for the automatic acquisition of citizenship by children born in India to stateless parents or with indeterminate nationality. This would be in line with Article 7 of the Convention on the Rights of the Child (CRC), which India has acceded to.³⁸

Strengthen Documentation and Civil Registration: Universal registration of the civil status, e.g., birth and identity certificates, is critical in avoiding statelessness. In ensuring that states invest in low-cost and inclusive documentation systems, particular emphasis should be laid on marginalised, rural, and remote communities. Simplification of procedures, elimination of administrative barriers, and mobile registration centres will enable all citizens to be registered from birth.

Foster Cooperative Federalism and Dialogue: In the face of opposition from some State governments to the NRC and CAA, the Union needs to enter into negotiations and reach a consensus. Cooperative federalism is not an administrative requirement but a constitutional

³⁷ UN Conventions on Statelessness (n 4)

³⁸ Convention on the Rights of the Child 1989, art 7

value. Citizenship-initiated steps need to be taken transparently and involve the States so that the rights of all residents are protected.

Promote Legal Literacy and Access to Justice: General unawareness of legal rights and the complexities of the law usually worsens exclusion. The government and civil society need to invest in legal literacy campaigns and make sure affected individuals are able to access free legal assistance, particularly in citizenship tribunals. Special safeguards must be provided for vulnerable groups such as women, children, religious minorities, and tribal communities. These changes have to build an equal, just, and constitutionally legitimate order of citizenship. There has to be a new regime that sustains people's dignity, prevents arbitrary exclusion, and reconfirms India's role as a secular, democratic republic.

CONCLUSION

The Citizenship Amendment Act 2019 is a milestone in the political and constitutional history of India. In introducing religion into the citizenship equation, the Act breaks away from the tradition of secularism in India and responds to real concerns of discrimination, exclusion, and statelessness. When read in conjunction with the National Register of Citizens, the CAA creates a framework that can potentially strip millions, especially from marginalised and minority communities, of their citizenship, thereby depriving them of fundamental rights and protections.

The Indian Constitution inscribes the values of equality, secularism, and human dignity, and any such law or executive decision which goes against these values should be subjected to rigorous judicial review. Although the State has the sovereign authority to decide the circumstances under which it grants and withdraws citizenship, it is not an absolute power. It should have to abide by constitutional requirements as well as India's international human rights law obligations.

This article has illustrated that India's existing citizenship regime has severe legal and ethical deficits. It does not have a unifying framework to tackle statelessness, does not extend due process protections, and leaves significant population groups outside recognition and rights. Comparative international experiences reveal that inclusive, rights-based citizenship laws strengthen national identity and foster social cohesion and justice.

To uphold the ideals of the Constitution and international law, India must reform its citizenship laws to remove religious and arbitrary criteria, ratify international statelessness conventions, and adopt humane procedures for naturalisation and protection. It is only through these far-reaching reforms that India can promise that no person will be left stateless and the republic becomes a fair reflection of its original pledge of justice, liberty, equality, and fraternity for everybody.