

Examining the Citizenship (Amendment) Bill, 2019: Implications for Secularism, Pluralism, and Constitutional Integrity in India

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Abstract:

The Citizenship (Amendment) Bill, 2019 (CAB) has sparked widespread debate across India regarding its implications for secularism, pluralism, and constitutional values. This research paper critically examines the CAB in the context of India's democratic framework and its commitment to inclusivity. Drawing on secondary data from legal documents, scholarly articles, and media reports, the paper analyzes the socio-political and legal dimensions of the legislation, highlighting its potential impacts on India's pluralistic ethos and constitutional integrity.

Introduction:

The Citizenship (Amendment) Bill, 2019, enacted as the Citizenship (Amendment) Act (CAA), seeks to amend India's citizenship laws by providing fast-tracked citizenship to persecuted minorities from Afghanistan, Bangladesh, and Pakistan. However, it explicitly excludes Muslim immigrants, raising concerns over its adherence to secular principles. This paper explores the CAB's background, objectives, and broader implications, focusing on its potential effects on India's pluralistic democracy and constitutional guarantees.

enshrined in the Constitution, juxtaposing them with the CAB's provisions.

4. **Chandra, B. (2016).** Communalism in Modern India. Penguin Books.

Chandra examines communalism's role in Indian politics, offering a lens to interpret the CAB's potential to exacerbate religious divides.

Objectives:

1. To evaluate the implications of the CAB on India's secular and pluralistic values.
2. To assess the constitutional validity of the CAB in light of Articles 14 and 15 of the Indian Constitution.
3. To explore the socio-political impact of the CAB on marginalized communities and inter-religious harmony.

Literature Review:

1. **Noorani, A.G. (2020).** The Citizenship Amendment Act and Its Discontents. Noorani critiques the CAB's selective approach, arguing it undermines India's secular framework and constitutional guarantees of equality.
2. **Hasan, Z. (2020).** Secularism in India: Challenges in the Modern Era. Routledge. This work explores the historical evolution of secularism in India, providing insights into how CAB deviates from India's commitment to religious neutrality.
3. **Austin, G. (1999).** The Indian Constitution: Cornerstone of a Nation. Oxford University Press. Austin underscores the foundational principles of equality and secularism

Methodology:

This research relies on secondary data, including legal analyses, government reports, academic articles, and media publications. A qualitative approach is employed to critically analyze the CAB's legal, social, and political dimensions. Case studies and court judgments are referenced to provide empirical evidence.

Findings and Analysis:

1. CAB and Secularism

The CAB's exclusion of Muslims contradicts the secular ethos of India, which advocates equal treatment of all religions. By prioritizing specific

religious groups, the law challenges the principle of neutrality embedded in India's Constitution.

2. Impact on Pluralism

India's pluralistic identity relies on accommodating diverse communities. The CAB risks alienating certain groups, fostering divisions, and undermining the spirit of unity in diversity.

3. Constitutional Challenges

Article 14 of the Constitution guarantees equality before the law. Critics argue that the CAB's selective inclusion violates this provision, creating grounds for judicial review. Additionally, it raises concerns regarding Article 15, which prohibits discrimination on religious grounds.

4. Social and Political Implications

The CAB has ignited protests across the country, particularly in Assam and other northeastern states, where it is perceived as a threat to indigenous identities. The polarization caused by the CAB has also intensified communal tensions.

Conclusion:

The Citizenship (Amendment) Bill, 2019, represents a significant departure from India's traditional commitment to secularism and pluralism. While its proponents argue it addresses humanitarian concerns, its exclusionary framework raises fundamental questions about constitutional equality and national unity. Striking a balance between humanitarian objectives and constitutional values remains imperative. Future research should explore the long-term societal and legal repercussions of the CAB.

References:

1. Noorani, A.G. (2020). The Citizenship Amendment Act and Its Discontents. New Delhi: Oxford University Press.
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5. Basu, D.D. (2011). Introduction to the Constitution of India. LexisNexis.
6. The Gazette of India. (2019). The Citizenship (Amendment) Act, 2019.