

Migrants And Citizenship: Analysing The CAA, 2019 Through National And Regional Perspectives With A Focus On Assam

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Abstract

The Citizenship (Amendment) Act (CAA), enacted in 2019, has generated considerable debate across India, with particular intensity in Assam. This paper offers a comprehensive examination of the CAA by tracing its legislative evolution from the Citizenship Act of 1955 to the present. Emphasising Assam's unique socio-political context, the study explores the region-specific relevance of the CAA and critically engages with the broader national discourse, which is shaped by competing arguments rooted in humanitarianism and secularism. The analysis further investigates the human rights concerns affecting two distinct groups in Assam: the native population and undocumented Bangladeshi migrants. By situating the CAA within the larger framework of citizenship, migration and identity, the paper highlights the complexities involved and calls for a contextualised understanding of the intersection between law, politics and human rights in contemporary India.

Keywords: *Citizenship (Amendment) Act, Indian Perspective, Assam, Humanitarianism, Secularism.*

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I. Introduction

The enactment of the Citizenship (Amendment) Act (CAA) in December 2019 marked a significant moment in India's legislative history, triggering extensive debate and dissent nationwide. Following intense deliberations in both the Lok Sabha and Rajya Sabha, the Bill was passed with considerable urgency and subsequently received presidential assent from Ram Nath Kovind (PTI, 2019a). Proponents of the CAA, led by Union Home Minister Amit Shah, justified the legislation as a necessary measure to provide protection and citizenship to persecuted religious minorities from Afghanistan, Pakistan and Bangladesh. However, the Act has been met with significant criticism, particularly for its perceived departure from the secular ethos enshrined in the Indian Constitution. Critics argue that by excluding persecuted Muslim minorities such as Shias, Ahmadiis, Hazaras, Balochis, Rohingyas, Sufis and Uyghurs many of whom face systemic violence and discrimination in South Asian and neighbouring countries, (Dhavan, 2019), the Act institutionalises religious discrimination. Moreover, the legislation does not require individuals from the specified non-Muslim communities to furnish proof of persecution, further raising concerns about selective application of humanitarianism.

In response to the CAA's enactment, widespread protests erupted across the country, often met with assertive law enforcement measures. A series of legal petitions were also filed, challenging the constitutionality of the Act, particularly in light of its potential violation of Article 14 of the Indian Constitution, which guarantees *equality before the law*.

In Assam, the implications of the CAA diverge significantly from the broader national context, shaped by the state's unique historical, cultural and socio-political dynamics. While opposition to the CAA in most parts of India primarily centres on its constitutional validity and concerns regarding religious discrimination, resistance in Assam is deeply rooted in long-standing anxieties over migration and the preservation of ethnic and cultural

identity. The state's historical experience with undocumented migration from Bangladesh (Hatiboruah, 2020) has contributed to demographic transformations and fears of cultural erosion among native communities. The Assam Movement (1979-1985), culminating in the Assam Accord, symbolises Assam's enduring struggle to assert control over its demographic future and to protect its linguistic and cultural distinctiveness.

The CAA, by offering citizenship based on religious identity rather than residency as stipulated in the Assam Accord (Assam Accord, 1985), poses a direct challenge to the legal framework that has governed migration and citizenship in the state.¹ This disjuncture has resulted in heightened political and legal tensions, giving rise to widespread protests, court challenges and intra-community debates within Assam. Notably, the population remains deeply divided. While certain sections view the CAA as a pragmatic response to the issue of illegal immigration² and a humanitarian intervention for persecuted minorities, others strongly oppose it, expressing concern over the potential marginalisation of indigenous communities and threats to the socio-cultural equilibrium of the state.

This division highlights the multifaceted nature of the CAA's reception in Assam and highlights the necessity of a nuanced and context-specific analysis. The complexities surrounding the Act in Assam go beyond legal and constitutional dimensions, encompassing issues of identity, resource allocation and struggling history against illegal-migration, thereby necessitating careful consideration within the broader discourse on citizenship in India.

II. Objectives:

The present study seeks to achieve the following objectives:

1. To examine the impact of the Citizenship (Amendment) Act, 2019 on citizenship in India.
2. To analyse the major arguments in support of and against the Citizenship (Amendment) Act, 2019, with particular emphasis on its implications for the state of Assam.

III. Methodology

The present study basically adopts a qualitative research methodology, primarily grounded in an extensive review of secondary sources. The analysis draws upon academic literature, official government documents, legislative texts, judicial pronouncements and credible news media reports to examine the Citizenship (Amendment) Act, 2019 and its implications. The experience of natives who were involved in anti-CAA movement, feelings of people against the illegal migrants are lighted as primary source of data to explain the objectives of the paper.

Evolution of Indian Citizenship Laws: From the Citizenship Act, 1955 to the Citizenship (Amendment) Act, 2019

The framework for Indian citizenship is outlined in Part II of the Constitution of India, specifically in Articles 5 to 11. These provisions conferred citizenship upon certain categories of individuals at the commencement of the Constitution on 26 January 1950. However, the Constitution did not establish detailed procedures for acquiring or terminating citizenship after that date. Instead, Article 11 of the Constitution vested Parliament with the authority to legislate on matters related to citizenship (Basu, 2015). In exercise of this power, Parliament enacted the Citizenship Act, 1955, which has undergone multiple amendments to address changing socio-political contexts.

Following the Partition of India in 1947, large-scale migration occurred between India and the newly created Pakistan, compelling the Constituent Assembly to address complex citizenship questions. The Citizenship Act of 1955 provided a comprehensive legal framework for the acquisition and determination of Indian citizenship. It laid down five modes of acquiring citizenship: by birth, descent, registration, naturalisation and incorporation of territory (Citizenship Act, 1955). Individuals domiciled in India as of 26 January 1950 were automatically recognised as Indian citizens. Initially, the Act adhered to the principle of *jus soli*³ (right of the soil), granting citizenship to individuals born within Indian territory. However, subsequent amendments signified

¹ The Assam Accord mentions that foreigners who came to Assam on or after March 25, 1971 shall continue to be detected, deleted, and expelled in accordance with law.

² Illegal immigration refers to the migration of people across national borders in a way that violates the immigration laws of the destination country. This can involve entering a country without proper authorisation or overstaying a visa.

³ *Jus soli* refers to the principles of citizenship by birth or "right of the soil" where individuals born within the territorial boundaries of India are automatically granted Indian citizenship, regardless of the nationality or citizenship status of their parents. This means that individuals born on Indian soil are considered Indian citizens, irrespective of the citizenship of their parents.

a gradual shift towards *jus sanguinis*⁴ (right of blood), introducing more stringent criteria. The Citizenship (Amendment) Act, 1986 marked the first significant departure from the original inclusive framework. Under this amendment, individuals born in India between 26 January 1950 and 1 July 1987 were entitled to citizenship by birth. For those born between 1 July 1987 and 4 December 2003, at least one parent was required to be an Indian citizen at the time of birth (CAA, 1986).

The 1992 amendment extended citizenship by descent, allowing individuals born outside India on or after 10 December 1992 to acquire citizenship if either parent was an Indian citizen at the time of the individual's birth (CAA, 1992). This provision reinforced the emphasis on lineage over territorial birth.

The Citizenship (Amendment) Act of 2003 introduced further restrictions, particularly in response to concerns over undocumented immigration from Bangladesh. For individuals born in India on or after 3 December 2004, the law required that both parents be Indian citizens, or one parent be an Indian citizen while the other must not be an illegal migrant (CAA, 2003). These changes further reflected the state's shift toward restrictive eligibility criteria, particularly in the context of perceived security concerns.

In 2005, the Citizenship (Amendment) Act introduced the category of Overseas Citizen of India (OCI), marking a significant development in response to demands from the Indian diaspora, particularly those residing in North America and other developed nations. The OCI scheme, formally launched in 2006 during the Pravasi Bharatiya Divas in Hyderabad, allowed persons of Indian origin to enjoy certain privileges without full citizenship rights (CAA, 2005).

The Citizenship (Amendment) Act of 2015 merged the Persons of Indian Origin (PIO) and OCI schemes, creating the "Overseas Citizen of India Cardholder" category. This amendment streamlined the status of overseas Indians and aligned administrative practices to better address the needs of the global Indian community (CAA, 2015).

The most controversial change emerged with the enactment of the Citizenship (Amendment) Act, 2019. This amendment modified the principal Act to extend eligibility for Indian citizenship to members of six specified religious communities: Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians from Pakistan, Afghanistan and Bangladesh, who entered India on or before 31 December 2014. Notably, the amendment exempted these individuals from prosecution under the Passport Act of 1920 and the Foreigners Act of 1946 for illegal entry or overstay (CAA, 2019). Moreover, the amendment reduced the required period of residence in India for naturalisation from eleven years to five years for the specified groups.

However, the implementation of the CAA, 2019 excluded certain regions from its purview. These include areas governed under the Sixth Schedule of the Indian Constitution, encompassing tribal regions in Assam, Meghalaya, Tripura and Mizoram. Additionally, areas under the Inner Line Permit (ILP) system such as Arunachal Pradesh, Nagaland and Mizoram were also exempt from the CAA's provisions (CAA, 2019).

The Government of India officially notified the rules for implementing the CAA on 11 March 2024, more than four years after the Act was passed by Parliament (Singh, 2024a). Under the newly framed rules, applications for citizenship are processed through Section 6B of the Citizenship Act, 1955. Applicants are required to submit proof of their country of origin, religious affiliation, date of entry into India, and demonstrate knowledge of an Indian language to be considered eligible (Ministry of Home Affairs Order, 2024).

The legislative journey of Indian citizenship from the inclusive framework of the Citizenship Act, 1955 to the more restrictive provisions of subsequent amendments reveals a gradual shift in the underlying principles governing citizenship. The initial emphasis on territorial birth and domicile gave way to more stringent criteria emphasising ancestry and legal status. Each amendment appears to reflect responses to contemporary socio-political challenges, including cross-border migration, national security concerns and diaspora engagement. The Citizenship (Amendment) Act, 2019, in particular, represents a significant departure by introducing religion as a criterion for citizenship eligibility, thereby raising profound questions about the principles of secularism, equality and constitutional morality in India (Rajan & Mittal, 2023).

Relevance of Citizenship (Amendment) Act, 2019 in Assam

From a broader national perspective, the Citizenship (Amendment) Act (CAA), 2019 presents a complex challenge encompassing constitutional, ethical and societal dimensions. The enactment of the Act has triggered intense debates concerning secularism, equality before the law and communal harmony. However, the reaction in Assam diverges significantly from the national discourse. While much of India has focused on constitutional morality and religious discrimination, Assam's opposition is deeply rooted in its long-standing struggle against

⁴ *Jus sanguinis*, or "right of blood" refers to the principle of citizenship by descent, where individuals acquire Indian citizenship if they are born to at least one parent who is an Indian citizen, regardless of the place of birth. This means that individuals born outside of India can claim Indian citizenship if they have at least one Indian citizen parent.

illegal immigration particularly from Bangladesh and its efforts to preserve the socio-cultural and linguistic identity of its native population.

The issue of illegal immigration in Assam has historical antecedents dating back to the partition of British India in 1947. Following the creation of Pakistan, East Bengal became East Pakistan (later Bangladesh in 1971), leading to significant migratory movements into Assam. Many Bengali Hindus and Bengali Muslims crossed into Assam during and after the partition, driven by communal violence, displacement and socio-economic instability (Datta, 2022). These migrations continued over the decades, fuelled by poverty, environmental degradation and political unrest in the newly formed Bangladesh. The growing migrant population in Assam intensified competition over land, employment and other limited resources, thereby contributing to socio-economic and political tensions (Hatiboruah, 2020).

The perceived threat of demographic imbalance and cultural marginalisation led to strong resistance among the native Assamese communities. Concerns over the preservation of linguistic and ethnic identity emerged as central issues. The widespread apprehension regarding the influx of migrants laid the foundation for the Assam Movement (*Axom Andolan*), a popular mass mobilisation that spanned from 1979 to 1985. Led primarily by student organisations such as the All Assam Students' Union (AASU), and supported by civil society and intellectuals, the movement demanded the identification and deportation of illegal immigrants and sought constitutional safeguards for the Assamese people (Baruah, 1986).

The culmination of the Assam Movement was the signing of the Assam Accord in 1985, a tripartite *Memorandum of Settlement* between the Government of India, AASU and the All Assam Gana Sangram Parishad (AAGSP). The Accord included provisions to detect, delete and deport illegal immigrants. Clause 5 of the Accord specifically dealt with the "foreigners' issue," recognising individuals who entered Assam before 1 January 1966 as legal citizens, while those who entered between 1 January 1966 and 24 March 1971 were to be identified and disfranchised for a ten-year period before being regularised. Migrants entering Assam on or after 25 March 1971 were to be detected and expelled in accordance with the Foreigners Act, 1946, and the Foreigners (Tribunals) Order, 1964 (Assam Accord, 1985). Despite these stipulations, the implementation of the Assam Accord has remained inconsistent and controversial. Several provisions remain unfulfilled, and the issue of illegal immigration continues to dominate the socio-political discourse in the state.

The introduction of the Citizenship (Amendment) Bill (CAB) and its eventual passage as the Citizenship (Amendment) Act in December 2019 triggered widespread protests across Assam and other parts of India. The legislation, which facilitates Indian citizenship for non-Muslim minorities from Pakistan, Afghanistan and Bangladesh who entered India before 31 December 2014, was seen in Assam as directly undermining the objectives of the Assam Accord. The opposition to the CAA in Assam was not centred on religious discrimination, but on fears that it would legitimise the presence of a significant number of migrants, particularly Bengali Hindus, who would otherwise be classified as illegal under the cut-off date of 25 March 1971 (Baruah, 2024; Hatiboruah, 2020).

Mass protests ensued across the state, drawing participation from diverse sections of society, including students, civil society organisations and political parties. The government responded with curfews (PTI, 2019c), internet shutdowns (Nath, 2019) and law enforcement action to contain the unrest. The intensity of the demonstrations eventually subsided due to the outbreak of the COVID-19 pandemic in early 2020, as lockdowns and public health concerns took precedence (Kalita, 2020).

However, following the Government of India's notification of the rules for implementing the CAA on 11 March 2024, protests in Assam reignited. Various organisations, including the All Assam Students' Union (AASU), Rajgor Dal, Assam Jatiyatabadi Yuba Chatra Parishad (AJYCP) and Assam Jatiya Parishad (AJP), resumed demonstrations against the Act (Karmarkar, 2014; Baruah, 2024). Political figures such as Akhil Gogoi, Gaurav Gogoi, Debabrata Saikia and Lurinjyoti Gogoi condemned the notification and described the day of its implementation as a "Black Day" for Assam (Karmaker, 2024; Baruah, 2024).

Diverse Perspectives: Arguments in Support and Opposition

The enactment of the Citizenship (Amendment) Act, 2019 (CAA) has generated a broad spectrum of responses, encompassing support and opposition from individuals, political parties and civil society organisations. This legislation, designed to facilitate citizenship for persecuted religious minorities from select neighbouring countries, has sparked extensive debates concerning its constitutional validity, humanitarian implications and potential impact on India's pluralistic social fabric. Supporters argue that the Act is a necessary intervention to protect vulnerable groups, whereas critics contend that it may institutionalise exclusion and undermine secular principles. In the context of the Assam Accord's stipulated cut-off date for detecting and expelling undocumented migrants, the discourse around the CAA is further complicated by region-specific historical legacies and socio-political dynamics. In this context, it becomes imperative to critically assess the multifaceted arguments both supporting and opposing the CAA.

Supporting Arguments

The CAA proposes to expedite Indian citizenship for members of six religious minority communities: Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Pakistan and Bangladesh, on grounds of religious persecution (Ahmed, 2020). This provision has received endorsement from various sections of society, including ruling political coalitions, religious leaders, human rights activists and segments of civil society. Among the key proponents is the Bharatiya Janata Party (BJP), the ruling political party at the central level (ANI, 2024a), along with allied parties such as the All India Anna Dravida Munnetra Kazhagam (AIADMK) (The Hindu Bureau, 2024a) and other constituents of the National Democratic Alliance (NDA) (Hebbar, 2020). These supporters posit that the Act addresses the longstanding humanitarian crises faced by religious minorities fleeing systemic persecution in neighbouring Islamic republics.

Senior political figures, including Prime Minister Narendra Modi (Mathew, 2024), Home Minister Amit Shah (DC Online Team, 2024), Vice President Jagdeep Dhankhar (PTI, 2024a), and former Union Minister Dr. Subramanian Swamy (Swamy, 2020), have defended the CAA, emphasising its humanitarian underpinnings. They argue that the Act upholds India's civilisational ethos of providing refuge to those fleeing religious persecution and is consistent with the country's historical commitment to sheltering oppressed communities.

Support for the CAA has also been voiced by religious figures such as Dasturji Khurshed Dastoor, the high priest of the Udvada Parsi temple, and Jain spiritual leader Pragya Sagar Maharaj, among others (ET Online, 2024). These religious leaders interpret the Act as an expression of India's traditional values of compassion and hospitality, aligning with their respective faiths' emphasis on protection of the vulnerable.

From a humanitarian perspective, advocates argue that the CAA exemplifies India's dedication to human rights by offering sanctuary and legal protection to religious minorities who have endured persecution in countries where Islam is the state religion. This persecution has been well-documented in contexts such as Afghanistan, where post-1919 constitutional changes mandated that no law could contradict Islamic tenets (Adamec, 2003; USDS, n.d.). Similar patterns of exclusion and marginalisation have been observed in Pakistan post-1947 and in Bangladesh, especially for non-Muslim minorities (Wolf, 2019; Fazal, 2020).

The historical context is frequently cited by supporters as a central rationale for the legislation. Proponents argue that Hindus, Sikhs, Christians, Buddhists, Jains and Parsis who migrated or remained in these regions following the partition of British India were integral to the Indian subcontinent's civilisational continuum (TNN, 2024a). Their subsequent persecution is viewed as a historical injustice, which the CAA seeks to redress by granting these communities legal recognition and a sense of belonging (Swamy, 2020).

Furthermore, supporters contend that the Act does not contravene the constitutional principle of secularism. In the Indian context, secularism is often interpreted as *equal respect for all religions rather than strict separation of religion and state*. According to this interpretation, addressing the historical and continuing persecution of non-Muslim minorities in Islamic states does not amount to privileging one religion over another but instead constitutes a humanitarian intervention based on documented vulnerabilities (Agencies, 2022).

Dr. Subramanian Swamy (2020) argues that the CAA does not exclude Muslims per se but rather focuses on those communities that are systemically persecuted in Islamic countries, where Muslims are the dominant religious group. He posits that the absence of significant migration of persecuted Muslims from these countries to India supports the targeted nature of the legislation. Swamy encapsulates this reasoning in his formulation of "*equality among equals, rather than equality among unequals*," suggesting that equal treatment should consider differing levels of vulnerability.

This position is echoed by other supporters, including Sharma (2024), who assert that the CAA does not preclude Muslim refugees from seeking asylum or citizenship through existing legal provisions. Instead, it offers a specific pathway for those whose persecution is rooted in religious minority status within states that define their identity through a dominant religion. Therefore, proponents argue that the Act's targeted provisions are consistent with both humanitarian obligations and the constitutional ethos of equal protection under the law.

Opposing Arguments

The Citizenship (Amendment) Act (CAA) has drawn significant opposition, with critics raising concerns about its implications for India's secular framework and its exclusionary approach to certain religious communities (Nagarwal, 2021). Opponents argue that by selectively offering citizenship to members of Hindu, Sikh, Buddhist, Jain, Parsi and Christian communities from Afghanistan, Pakistan and Bangladesh, while excluding other persecuted groups such as Shias, Ahmadis, Balochis, Hazaras, Sufis, Uyghurs, Rohingyas, Tibetan Buddhists, Sri Lankan Tamils, Bahá'ís and atheists, the Act undermines the secular principles enshrined in the Indian Constitution. This selective inclusion based on religious identity is viewed as contradictory to the constitutional commitment to equality and non-discrimination. Critics argue that such provisions foster religious divisions and threaten the foundational secular ethos of the country (Chandrachud, 2020).

Political figures across party lines have voiced strong objections to the Act. Kerala Chief Minister Pinarayi Vijayan (The Hindu Bureau, 2024b), senior Congress leaders such as Shashi Tharoor (PTI, 2024b) and

Jairam Ramesh (ANI, 2024b), and AIMIM leader Asaduddin Owaisi (HT News Desk, 2024) have argued that the CAA is a political tool aimed at creating religious divisions. Owaisi, in particular, has contended that the Act discriminates against Muslims and violates the secular framework of the Indian Constitution.

Human rights concerns have also been raised regarding the CAA's exclusionary provisions. Critics argue that the Act violates the universal principle of equality by failing to include all persecuted communities regardless of religious affiliation. This selective approach, they contend, undermines humanitarian values and risks perpetuating discrimination against excluded groups, thereby denying them protection and recognition (Patel, 2024). Such exclusion not only marginalises vulnerable populations but also contradicts India's commitments under international human rights frameworks.

A key constitutional critique centres around the alleged violation of Article 14 of the Indian Constitution, which guarantees equality before the law and prohibits discrimination on the grounds of religion, race, caste, sex or place of birth (Jain et al., 2022). By offering preferential treatment to specific religious communities, the CAA is seen as contradicting this fundamental right. Legal scholars and political leaders, including members of the Indian National Congress (TNN, 2024b), the Indian Union Muslim League (IUML) (Rajagopal, 2024), and Chief Ministers such as Mamata Banerjee (Singh, 2024b) and Pinarayi Vijayan (The Hindu Bureau, 2024b), have expressed concerns that the Act sets a dangerous precedent for religious discrimination in citizenship laws. Critics warn that such provisions may exacerbate social divisions, further eroding India's pluralistic and secular identity.

In the context of Assam, the opposition to the CAA assumes a different dimension, particularly in relation to the Assam Accord of 1985. The Accord established 24 March 1971 as the cut-off date for detecting and deporting illegal immigrants (Assam Accord, 1985). In contrast, the CAA extends the cut-off date to 31 December 2014 for granting citizenship to certain religious minorities from neighbouring countries (CAA, 2019). This discrepancy creates ambiguity regarding the status of individuals who arrived in Assam between the two dates and has led to significant unrest in the region. Critics argue that this misalignment undermines the objectives of the Assam Accord, complicates the identification of illegal immigrants, and increases social tensions around issues of identity, migration and citizenship.

Another major point of contention is the perceived conflict between the CAA and the National Register of Citizens (NRC), particularly in Assam. The NRC, intended to identify genuine Indian citizens and exclude undocumented immigrants, is seen to be compromised by the provisions of the CAA, which grant citizenship based on religious identity. Critics argue that this undermines the coherence of the state's efforts to address illegal immigration. For example, the release of the final NRC list in August 2019 excluded over 19.06 lakh individuals (Malik & Khan, 2020), many of whom now face uncertain futures. The introduction of the CAA, offering relief to specific religious groups among the excluded, is seen as contradictory to the NRC's stated objective of a religion-neutral verification process.

At the core of these debates lie two major concerns. At the national level, the controversy is framed as a conflict between the principles of secularism and the state's humanitarian responsibilities. In Assam, however, the issue is more complex, reflecting a contest between the human rights of the native population and the rights of undocumented immigrants from neighbouring countries, particularly Bangladesh. This duality reveals how the reception of the CAA varies significantly across different regions, shaped by local histories, political contexts and demographic concerns.

Within the *Indian context*, the debates around CAA centre on the tension between humanitarianism and secularism. On one side of the debate are proponents of the CAA who argue in favour of its implementation on humanitarian grounds, advocating for the protection and welfare of persecuted religious minorities from neighbouring countries, particularly Hindus, Sikhs, Buddhists, Jains, Parsi and Christians from Afghanistan, Pakistan and Bangladesh. They assert that these minority groups who were historically part of undivided India have faced persecution and discrimination in their home countries due to their religious beliefs and thus deserve refuge and citizenship in India as a humanitarian gesture.

On the other side are critics of the CAA who raise concerns about its potential violation of the secular principles enshrined in the Indian Constitution. They argue that by selectively granting citizenship based on religious identity, the CAA undermines India's secular ethos and discriminates against Muslims, thereby threatening the country's secular fabric. They contend that citizenship should be based on principles of equality and non-discrimination, rather than religious identity, to uphold the foundational values of India as a secular and pluralistic democracy.

In the Indian society, the notion of secular governance stands as a cornerstone. India prides itself on being a secular nation in its governance, although Indian society is not entirely secular. The fabric of Indian society is inclusive, accommodating various religious beliefs and sects (Seo, 2017). This inclusivity sets India apart from its Islamic neighbours like Pakistan, Bangladesh, and Afghanistan as well as its Buddhist neighbours like Sri Lanka, Myanmar and Bhutan, where religion often plays an exclusive role in governance and societal structures.

In countries with an exclusive character, religion often becomes a tool for exploitation and persecution of minority communities. This discrimination and deprivation of rights faced by minority religious groups are fundamentally against the principles of human rights (Freeman 2004). In such cases, where is the refuge for these marginalised groups? The welcoming haven for them often lies in inclusive nations like India. However, India faces apparent limitations due to its commitment to secularism as enshrined in its constitution. Secularism, in the Indian context, implies neutrality in governance, but does it mean that India should refrain from engaging with non-secular countries? Should India abstain from intervening on humanitarian grounds, especially when religion appears to be the root cause of conflict between two exclusive nations, such as in the case of Israel vs. Palestine or historical conflicts like Turkey and Armenia?

In the case of Israel vs. Palestine, and historical conflicts like Turkey and Armenia, religion has often played a central role in fuelling tensions and conflicts between nations. In these situations, the root cause of conflict is often deeply intertwined with religious identity and territorial disputes. The Israel-Palestinian conflict, for example, has been characterised by longstanding territorial disputes and competing claims to land considered holy by both Jews and Muslims (Fiedler 2017). Similarly, historical conflicts between Turkey and Armenia have been influenced by religious and ethnic tensions, particularly concerning the Armenian genocide and the ongoing dispute over the recognition of these events (De Waal 2010). Religion has been used as a tool to justify violence and persecution, further exacerbating tensions between the two nations. These examples highlight the complexities involved when religion intersects with geopolitics and international relations. Despite religious dimensions of the conflict, the people of these countries have received relief on humanitarian grounds (De Waal 2010 and Joffe 2019).

In the context of CAA 2019, the consideration of humanitarianism takes precedence over religious considerations, allowing India to extend relief and support to those in need. This consideration aligns with the spirit of human rights, particularly the right to life, as the question of other rights arises from the fundamental need for survival. For religious minorities in exclusive nations, survival becomes a critical issue. However, extending help to these groups may imply interference with religion, challenging the secular nature of India's governance.

Religion serves as both a catalyst for suffering and a source of insecurity (Gunn 2020). Any effort to assist these marginalised groups must acknowledge the significant influence of religion in their persecution. This prompts the fundamental question: should these individuals be condemned to endure indefinite suffering or be forced to live as refugee communities indefinitely? Furthermore, does the constitution inadvertently withhold humanitarian support from religious communities whose faith is systematically used as a tool for their torture and insecurity? Contrasting this with India's provision of humanitarian aid to victims of communal violence emphasises the necessity for a comprehensive approach to alleviating the plight of persecuted religious minorities.

The crux of the debate lies in balancing secularism with the rights to survival and equality as human beings. In countries where rights are defined along religious lines, it becomes the responsibility of inclusive nations like India to protect individuals who are victims of religious fundamentalism. This dilemma highlights the complexity of the CAA debate and prompts reflection on the broader implications for human rights and India's role in the global community.

In *Assam*, the debate surrounding the Citizenship (Amendment) Act (CAA) assumes a distinct character, shaped by the region's historical experiences and socio-political sensitivities. At the heart of this debate lies a contestation over the human rights of two different groups: the native population of Assam and the undocumented Bangladeshi immigrants residing in the state.

Proponents of the CAA adopt a humanitarian perspective, advocating for the inclusion of undocumented immigrants particularly those fleeing religious persecution, as legitimate claimants to Indian citizenship. They argue that access to legal status, healthcare, education and employment opportunities is essential to safeguarding the basic human rights of these individuals. From this viewpoint, denying citizenship would perpetuate their marginalisation and legal invisibility, exacerbating their socio-economic vulnerability.

In contrast, opposition to the CAA in Assam, particularly among native communities, is rooted in a different conception of humanitarianism: one that foregrounds the rights of native populations to preserve their cultural identity, socio-economic security and political representation. Critics argue that regularising undocumented immigrants, many of whom are perceived as economic migrants rather than victims of religious persecution threatens to alter the state's demographic composition. This, in turn, could erode the cultural and linguistic distinctiveness of Assam and intensify competition over limited resources such as land, employment and public services (Hatiboruah, 2020).

The arrival of undocumented Bangladeshi immigrants has long been a source of tension in Assam, with concerns that it has strained the state's infrastructure and deepened existing socio-economic challenges. Many residents contend that these migrants are not religious refugees but rather individuals seeking better livelihood opportunities. Consequently, their settlement is viewed as contributing to social unrest, political instability and ecological stress in the region (Hatiboruah, 2020).

While the predicament of undocumented immigrants might be addressed through diplomatic engagement and international legal mechanisms involving Bangladesh, the native population of Assam lacks such external recourse. Their grievances are domestic and territorial, situated within their ancestral homeland. This asymmetry raises a crucial ethical and political question: should the fundamental rights of the native population be compromised in the process of addressing the humanitarian concerns of undocumented immigrants who may have alternative avenues for resolution?

This conflict between competing claims humanitarianism for undocumented migrants and the cultural and territorial rights of native communities reflects the larger tension between constitutional secularism and regional identity politics. In the case of Assam, the application of a uniform national policy like the CAA must contend with the state's unique demographic history and its fragile socio-cultural balance. The resulting divergence in perspectives highlights the broader challenge of accommodating diversity within India's federal and democratic framework.

IV. Conclusion

The preceding analysis reveals the multifaceted dimensions of the Citizenship (Amendment) Act, 2019, highlighting its legal, political and ethical ramifications within both national and regional contexts. Rather than offering a definitive policy resolution, the Act has surfaced deeper normative tensions between constitutional commitments and humanitarian imperatives. Its enactment and implementation have prompted critical reflection on the foundational values of the Indian state and the principles that ought to guide the granting of citizenship.

This ongoing discourse raises several questions that remains open to interpretation and debate: Should the state prioritise the protection of religious minorities facing persecution abroad, or should it uphold an uncompromising commitment to secularism and equal treatment of all, irrespective of religious affiliation? Does the urgency of humanitarian need justify selective deviations from a secular constitutional framework? Or should constitutional neutrality prevail, even if it limits the scope of humanitarian assistance?

These questions illuminate the core dilemma embedded within the CAA discourse. The tension between humanitarianism and secularism is not merely a legal or political issue, it is a reflection of deeper normative challenges in balancing moral obligations with constitutional commitments. As India continues to grapple with these questions, the debate over the CAA remains a vital site for examining the evolving contours of citizenship, identity and human rights in the country's democratic journey.

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