



## **The Citizenship Amendment Act (C.A.A.) 2019: A Constitutional Analysis**

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### *Abstract*

*The Citizenship Amendment Act, 2019 seeks to amend the definition of illegal immigrants for Hindu, Sikh, Parsi, Buddhist and Christian immigrants from Pakistan, Afghanistan and Bangladesh, who have lived in India without documentation. The law states that persons belonging to those specific religions, except Muslims from Bangladesh, Pakistan and Afghanistan shall be eligible to apply for citizenship in India subject to fulfilment of certain conditions on the basis of religious persecution faced by them in the neighbouring Islamic countries. The Act has been discussed and debated over time and there have been massive protests throughout the country against the law as being discriminatory and violative of the secularism espoused in the Constitution. In light of the above, adopting doctrinal research methodology based on secondary sources, the paper focuses on the correlation between the law, the Constitution of India and the concept of secularism. Further, the paper also dwell on the relationship between the Citizenship Amendment Act and the National Register of Citizens which has been completed partially in the state of Assam and its effects on the constitutional principles in India.*

**Keywords:** *Citizenship Amendment Act, Secularism, National Register of Citizens, Muslims, Persecution.*

### **Introduction**

Citizenship as a legal principle is within the subjective power of any nation. Each nation provides its own list of requirements that need to be complied with to acquire citizenship of that nation. India, which is a sovereign state, also has its own extensive legislations on the matter. This has been at the centre of attention over the last year or so owing to the much debated and controversial Citizenship Amendment Act, 2019. This Act, which is based on religion, is aimed to provide the right to apply for citizenship for only select persons from only three of the neighbouring Islamic nations<sup>1</sup>. This Act, when still being debated, was subjected to much criticism and accused of being discriminatory towards

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Muslims. This was however passed in the Parliament and is in force in India currently. The Act has been brought to the Supreme Court and its legal validity has been questioned in light of possibly violating the fundamental postulates of equality and secularism. India is a secular state and thereby, drafting of a law and its implementation which clearly is discriminatory against a specific religion may not be upheld in the court of law.

Alongside the C.A.A., the N.R.C. process was simultaneously happening in the state of Assam. The N.R.C. process is aimed towards identifying and removing the illegal migrants from the state. The process of N.R.C. though an administrative one, has been enveloped with political hues particularly due to the question of identity and vote bank politics. This mammoth process has created many issues within the state and has cast a shadow of doubt over all people living in Assam, many being unsure of the future those who have been declared as foreigners are languishing in deplorable conditions in detention camps and are completely unsure of what the future may hold. India and Bangladesh have failed to come to an agreement and Bangladesh has completely washed its hands off on the matter. These intricate issues have created an environment whereby the secular fabric of India has been questioned internally within the state and in the international sphere. Granting of citizenship based on religion may erode the fundamental core of secularism and result in creation of other statutes and practices on the basis of religion and may lead to blatant violations of human rights of common people.<sup>ii</sup>

### **The Fundamental Secular Nature of the Constitution of India**

The Constitution of India is a revered document that reflects the ideals and notions of an independent India. After years of British rule, the country gained independence and designed a constitution that was reflective of the maturity and perseverance of the freedom fighters and aimed towards developing a modern India. Considering the diversity of India, its many variations and uniqueness the Indian Constitution upholds the principle of secularism. This meant that the state of India would not have any official religion nor will it give any specific religion special provisions. This was also reflected in the fundamental rights under Part III, Articles 25-28.<sup>iii</sup> This reflected the openness and due acknowledgement that India can become the home for all religion, although in terms of population, Hinduism is the prominent religion by a wide margin. India decided to welcome everyone and constitutionally, secularism was framed to be a dominant aspect of the creation of India.

This position was further solidified by Mrs. Indira Gandhi, who in 1976, via the 42<sup>nd</sup> constitutional amendment reiterated the commitment of India to be a secular state and inserted the word specifically into the Preamble to the Constitution of India.<sup>iv</sup> Earlier, the word was not mentioned specifically in the Preamble which reflected only the terms, 'Sovereign, Democratic and Republic'. Subsequently, she added the words, 'secular' and 'socialist' into the Preamble thereby reaffirming India's commitment to remain a religiously neutral state.

### **The Citizenship (Amendment) Act in Brief**

The Citizenship (Amendment) Act, 2019<sup>v</sup> (hereinafter referred to as C.A.A.) was introduced in the Lok Sabha in July 2016 to amend the Citizenship Act, 1955 to make illegal migrants who belong to six communities viz. Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, eligible for citizenship of India. The Act also proposed to relax the requirements of citizenship by naturalization. The current requirement is that the applicant must have resided in India during last 12 months and for 11 of previous 14 years. The Act relaxes this 11 years requirement to six years for persons belonging to the same six religions and three countries.<sup>vi</sup> The Act, however, does not extend to illegal Muslim migrants. It also does not talk about other minority communities in the three neighbouring countries, such as Jews, Bahais etc.<sup>vii</sup>

The Act contradicts the Assam Accord of 1985, which clearly states that illegal migrants heading in from Bangladesh after March 25, 1971, would be deported. The Act owes its origin in the BJP manifesto wherein the party had promised to grant citizenship to Hindus persecuted in the neighbouring countries during the 2014 General Election. In the party's election manifesto, the BJP had promised to welcome Hindu refugees and give shelter to them.

### **The Correlation between C.A.A. and N.R.C.**

The Citizenship Amendment Act is a legislation that is aimed towards securing the right to apply for citizenship for those specific categories of persons only. The rationale forwarded is that they are religiously persecuted in the Islamic neighbouring nations and therefore should be permitted to apply for citizenship in India which is a Hindu-dominant state. The legislation may have been designed with the noble aim of affording such abused persons a chance to gain Indian citizenship, which is appreciated. Nevertheless, a glimpse through the Act is adequate to comprehend that it is intrinsically negating the ethos of the Constitution of India. The Constitution of India, being inherently secular in its spirit, does not permit any person to look at the issue of citizenship from the viewpoint of religion. The Act is intended to give consideration to a particular class of illegal migrants suitable for citizenship on the basis of their religious identity. All non-Muslim immigrants coming from Bangladesh, Pakistan and Afghanistan will be eligible for Indian citizenship.

This Act was preceded by the mammoth exercise of National Register of Citizens in the state of Assam. The correlation and continuation of these two processes is what is raising questions of legitimacy of bringing in the C.A.A. During the process of N.R.C. in Assam, many people were left out of the register, thereby in an instance, declaring them to be illegal migrants. These people whose names have been left out are now living in a state of ambiguity and may become stateless. Detention centres have been set up wherein they have been kept in custody. Families have been separated, within families some have been declared illegal while others are considered to be legal citizens, even persons who had the coveted position of the President of India has been declared to be an illegal migrant. The issue in Assam is of more intrigue as it shares a porous boundary with Bangladesh, which makes migration easy. Many people did migrate to the state and after the agitation and conflict in the 1970s between the

indigenous Assamese and the foreign Bengali population; a pact called the Assam Accord was signed. The Assam Accord establishes the timeframe for tracking down foreign nationals who have entered illegally and living here. During 1979-1985 a massive agitation was witnessed in Assam for the detection and expulsion of illegal migrants who entered Assam from Bangladesh (erstwhile East Pakistan) after 1951. The cut-off date for detecting foreigners was decided to be March 24, 1971, as Bangladesh was established as an independent country in 1971. The Assam Accord was signed on August 15, 1985, whereby March 24, 1971 was agreed upon as deadline date for detection and deportation of illegal migrants.<sup>viii</sup> Subsequently, the Indian Parliament amended the Citizenship Act, 1955 and the clause 6 (A) was inserted into it which became effective from December 7, 1985. This accord set a date as the cut off date beyond which any person, irrespective of religion, will be declared to be a foreigner and thus subject to deportation. In north-east India, the issue is that the region is already infested with illegal immigrants and to aggravate this situation an additional burden of illegal migrants will cause a serious threat to the indigenous identity of the people of the region. In Tripura as well, the migration was on such a scale that now, the indigenous population has become a minority in their own state.<sup>ix</sup> The indigenous language (Kokborok) speaking population has been reduced to minority status. Such instances have warned the indigenous populations that their existence may be gravely affected and thus had raised a very strong opposition to C.A.A.

The underlying intentions are actually quite evident and cannot be misunderstood. The N.R.C. exercise in the state of Assam resulted in identification of about 40 million people as illegal migrants, majority within it being from Hindu religion. Of 3.29 crore applicants, 40.07 lakh were excluded initially.<sup>x</sup> Thereafter, out of the total of 3.29 crore people who had applied for the N.R.C., 3.11 crore made it to the final list.<sup>xi</sup> The process established under C.A.A., will give them the right to apply for citizenship and thus, the population, except that of Muslims, will get an opportunity to become Indian citizens and thus remain in India. It shall be only the Muslim population that will be kept in the detention centres or be subject to deportation. The Act, in a way, renders the entire exercise of revising of the National Register of Citizens (N.R.C.) completely pointless. Assam is exceptional as it is the only state that has N.R.C., which was first prepared in 1951, based on the first census. But afterwards it had not been updated by the office of Registrar General of India. This is currently being updated under oversight and guidance of the Supreme Court.

The aspect of Indo-Bangladesh relations another interesting facet of this entire process. The Indian government has reiterated time and again that these are illegal migrants from Bangladesh. Bangladesh has clearly denied it and have stipulated that it is an internal matter of India and they will not take any of them back.<sup>xii</sup> India and Bangladesh do not have a treaty covering the deportation of migrants.<sup>xiii</sup> Assam is building detention centres to hold 'foreigners' identified through the N.R.C.. If people are stripped of Indian citizenship, they are likely to become stateless, a condition the UN refugee agency UNHCR describes as 'inhumane' and is running a campaign to end. This will inevitably result in creation of millions of stateless persons and India not being a signatory to any of the international conventions on Statelessness, will have to keep them in the detention centres indefinitely.<sup>xiv</sup>

This may result in human rights abuse without any form of accountability; denying them any form of right to question or raise objections regarding their status. At present, the conditions of these centres are deplorable, and many have died in such detention centres.<sup>xv</sup> One can only imagine what shall happen when the segregation in such centres will be based on religion.

If such an exercise is replicated pan-India, it is clear that people, other than Muslims, who may be left out of the N.R.C. may be at least given the option of applying for Indian citizenship owing to the C.A.A.. India intends to take the onus of providing shelter only to people belonging to religions other than Muslims and just from those countries, the cut-off date being December 31, 2014. However, this clearly is segregation on the basis of religion and the fundamental question is what will happen to the Muslims, if identified to be illegal migrants. These twin exercises reflect some sort of prejudice against a particular religion reflective of a certain political agenda. This is what concerns majority of Indian Muslims.

There has been much criticism directed towards the whole process including the agony and unnecessary troubles which is faced by those who are in no position to raise a voice against the alleged discrimination. Poverty, poor infrastructure and deplorable government documentation has resulted in making this process extremely cumbersome and difficult, particularly for those who do not have the financial ability to pay for retrieving the documents or appear before the Foreigner's Tribunals on every occasion. One particular aspect that needs to be considered is that of the documentation. Many official documents sanctioned by the Government have been left out of the permitted list. Further, the deplorable condition of preserving these documents in government offices have further made the situation difficult to prove citizenship. These conditions make it extremely challenging for the common public to prove their citizenship. The processes may be in the larger interest of India and to clearly identify the numbers of illegal migrants and check on the resources; but the ground realities also have to be accounted for and measures will have to be made to provide the common man a fair chance to acquire the documentation needed for the process.

### **The Discriminatory Nature of C.A.A.: International and National Response**

The C.A.A. has garnered extreme reactions both internationally and nationally. Violent protests had erupted in parts of the country<sup>xvi</sup> wherein student bodies had clashed with the police authorities.<sup>xvii</sup> Many college and university campuses had become volatile grounds wherein protests and sloganeering happened against the C.A.A. Many students, all around India, had made it clear that they stand against the divisive nature of the law and that it erodes the fundamental ideals of secularism in India. Unfortunately, during the protests, a few innocent lives were lost due to police excess and brutality, whereby these officials have gone beyond their restrictions and have abused the power given to them. On the whole the protests within India has been non-violent.<sup>xviii</sup> However, it is disappointing to observe that very little interaction has taken place between the agitators and the government. This has created a sense and atmosphere wherein the citizens feel that their opinion does not matter if it is in contradiction with the established governmental standpoint. Furthermore, branding of opposing voices as being inhumane to the minorities in Islamic nations, to being anti-national and speaking on behalf of one community have been forwarded against the protestors by

certain sections of society. The political hues on this issue has resulted in creating an environment that is believed to uphold and protect the rights and interests of certain specific sections, particularly aimed towards political advantages and vested interests of some specific groups.

Internationally, the issue has also been discussed and many international organisations and bodies who do not approve of the same have expressed their concern on the Act. Similarly, agitations were carried out by Indian diaspora around the world questioning the relevance and need for such a law which is giving an advantage to specific religions to the exclusion of one particular religion. In terms of collective organisations, one of the prominent responses came from the U.S. Commission on International Religious Freedom (USCIRF).<sup>xix</sup> The USCIRF released a press note clearly stating why it stands in opposition to the Bill. (The law was not passed by then.) The main reason cited is the religious criterion for being eligible to be a citizen of India. The Statement states, *“The CAB is a dangerous turn in the wrong direction; it runs counter to India’s rich history of secular pluralism and the Indian Constitution, which guarantees equality before the law regardless of faith.”*<sup>xx</sup> The statement also focussed on how the twin processes of C.A.A. and N.R.C. can strip many Indian Muslims of their citizenship if they are unable to produce the relevant documentation and how it afford everyone only except Muslims a chance to apply for citizenship, thereby clearly discriminating between the religions.

The United Nations, after having assessed the conditions in India and review of the law, stated that the C.A.A. may be problematical when seen from the prism of human rights law. The United Nations High Commissioner for Human Rights has unequivocally stated that they are concerned with the issue of C.A.A. and has held that it is 'fundamentally discriminatory in nature'.<sup>xxi</sup> The Commission has reminded India that such a law may violate the fundamental human right of equality and clearly undermine the importance and relevance of India's international human rights obligations under various international treaties and agreements. The Commission reiterates that the law is forwarding discrimination based on religious grounds, which clearly conflicts with the ideals of human rights law. Similarly the United Nations Chief, Antonio Guterres has stated that everyone should be given the right to protest and raise concerns against actions of any government and has stated that using the police and excessive force by security personnel against the protesters violates numerous human rights and particularly the right to speech and opinion.<sup>xxii</sup> The Indian government has, however, responded to this stating that the C.A.A. is simply expediting the process of citizenship for the religiously persecuted people and does not debar anyone else to apply for citizenship based on the existing laws available in India. The UN Chief, when on his visit to Pakistan, was questioned about the C.A.A. and whether the UN is concerned about the developments in India. The UN chief replied affirmatively that it is monitoring the same very closely and has reminded India that it should ensure that such a law does not result in many being rendered stateless.<sup>xxiii</sup> That should be taken into consideration as the UN is actively involved in reducing the number of stateless persons globally.



Another prominent response against C.A.A. has come from the Group of the Progressive Alliance of Socialists and Democrats in the European Parliament (S&D) representing the European Parliament members who have drafted a resolution stating the concerns of implementing the C.A.A., that may, in their opinion, result in one of the 'largest statelessness crisis in the world'.<sup>xxiv</sup> The resolution further describes the C.A.A. as being discriminatory and divisive in nature<sup>xxv</sup> that will inevitably result in violation of international obligations of India.<sup>xxvi</sup> The resolution also mentions the blatant brutality of security forces and how the protests have resulted in a shutdown of internet services, transportation, and general movement of common Indians.<sup>xxvii</sup> It also made special note of the violence in specific universities where students who protested against the C.A.A. and N.R.C. were attacked. The resolution also highlights the fact that while the government has been defending its stance citing that the specific categories have been given special status as they are persecuted; it conveniently ignored Sri Lankan Tamils from the scope of the Act. Additionally, the resolution also mentions the Rohingyas of Myanmar, who are essentially Muslims who are clearly religiously persecuted in a country that is not an Islamic state and the Indian response to that problem by declaring them to be illegal migrants and thus subject to deportation. The resolution has also highlighted the fact that the government in power is motivated by vested interests and aims to, by the twin processes of C.A.A. and N.R.C., '*strip Muslims of their citizenship while protecting only Hindus and other non-Muslims*'.<sup>xxviii</sup> This resolution was debated in the European Parliament, however, with no concrete result and it stated that it was an internal matter of India. The vote was deferred, and the Parliament stated that it shall keep a close watch on the conditions in India while interacting with the government officials in India for a closer understanding of the issue.<sup>xxix</sup>

### **Conclusions and Recommendations**

There is no denying the fact that the Citizenship Amendment Act was the culmination of a political promise made in the manifesto of the ruling party and owing to the majority that the party enjoys in Parliament, it became a reality. The aim and reasons for introduction and its subsequent passage also may be seen from the prism of humanity, as a means to expedite the process of acquiring citizenship for those who are religiously persecuted in these three neighbouring states. However, there are unanswered questions and the blatant discrimination is quite appalling. If India indeed wishes to work towards the broader aspect of humanity and aims to provide refuge to religiously persecuted, it should do so for all religions, without any bias or prejudice. Excluding selected categories reflects a discriminatory attitude and one that will defame India on an international platform as being a nation that is violating the fundamental and core principles of equality and secularism. The C.A.A. in combination with N.R.C. may prove to be a major administrative activity that may result in selected discrimination and Muslims who may be unable to prove their nationality would ultimately live a life of uncertainty. It is also further problematic as India is not a signatory to any of the conventions pertaining to stateless persons or refugees and thus, there is no clear legal foundation on the subject. Further, a pan-India N.R.C. may be also an expensive task, both physically and in term of manpower. The Indian government needs to identify priority points and works towards them rather than only focussing on undertaking activities, keeping in mind political gains. Additionally, the government must engage with those who are raising doubts

and questions and should not muzzle their voices by using means such as internet shuts downs, police and security force in educational campuses or generally against any protestors. Peaceful protests must be welcomed, and it is the duty of the government to engage with the various stakeholders and decide mutually instead of simply making unilateral decisions and coercing the people to follow suit. The matter of C.A.A. and N.R.C. needs to be reviewed in terms of the fundamental rights and human rights in general. The matter has been brought to the courts of law and perhaps that will clarify on whether such a law, which is based on religious bias, should prevail in a secular country like India.

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## Endnote

<sup>i</sup>[https://en.wikipedia.org/wiki/Citizenship\\_Amendment\\_Act\\_protests](https://en.wikipedia.org/wiki/Citizenship_Amendment_Act_protests)

<sup>ii</sup><https://www.newsclick.in/citizenship-bill-why-protests-have-spread-across-northeast?page=1>

<sup>iii</sup> The Constitution of India, arts. 25-28.

<sup>iv</sup> The Constitution (Forty-Second Amendment) Act, 1976.

<sup>v</sup> The Citizenship (Amendment) Act, 2019 (Act 47 of 2019).

<sup>vi</sup> *Id.*

<sup>vii</sup> <https://www.sentinelassam.com/editorial/letters-to-the-editor-126/>

<sup>viii</sup> The Assam Accord, 1985, Clause 5.

<sup>ix</sup> PTI, "Tribal forum holds protest against CAA in Tripura", *The Hindu*, January 8, 2020, available at: <https://www.thehindu.com/news/national/tribal-forum-holds-protest-against-caa-in-tripura/article30511112.ece> (last visited on February 22, 2020).

<sup>x</sup> PTI, "40 lakh people out of Assam citizens' list", *Deccan Herald*, July 31, 2018, available at: <https://www.deccanherald.com/national/40-lakh-people-out-assam-684646.html> (last visited on February 22, 2020).

<sup>xi</sup> "Assam final NRC list released: 19,06,657 people excluded, 3.11 crore make it to citizenship list", *India Today*, August 31, 2019, available at: <https://www.indiatoday.in/india/story/assam-final-nrc-list-out-over-19-lakh-people-excluded-1593769-2019-08-31> (last visited on February 22, 2020).

<sup>xii</sup> Nayanima Basu, "Bangladesh wants 'written' assurance from India that it won't send immigrants after CAA", *The Print*, December 30, 2019, available at: <https://theprint.in/diplomacy/bangladesh-wants-written-assurance-from-india-that-it-wont-send-immigrants-after-caa/342579/> (last visited on February 22, 2020).

<sup>xiii</sup> PTI, "India asked to provide list of illegal Bangladeshis, if any, on its soil: Bangladesh Foreign Minister", *Economic Times*, December 15, 2019, available at: <https://economictimes.indiatimes.com/news/politics-and-nation/india-asked-to-provide-list-of-illegal-bangladeshis-if-any-on-its-soil-bangladesh-foreign-minister/articleshow/72693268.cms?from=mdr> (last visited on February 22, 2020).

<sup>xiv</sup> Ruhi Tewari, "Held as 'foreigners', languishing in jail, Assam's nowhere people cling to Indian identity", *The Print*, April 13, 2019, available at: <https://theprint.in/india/governance/held-as-foreigners-languishing-in-jail-assams-nowhere-people-cling-to-indian-identity/220646/> (last visited on February 22, 2020).

<sup>xv</sup> Furquan Ameen, "28 deaths in Assam's detention camps, minister tells Rajya Sabha", *The Telegraph*, November 27, 2019, available at: <https://www.telegraphindia.com/india/28-deaths-in-assam-s-detention-camps-minister-tells-rajya-sabha/cid/1722471> (last visited on February 22, 2020).

<sup>xvi</sup> PTI, "Police fire teargas shells as anti-CAA protesters turn violent in Aligarh", *The Hindu*, February 23, 2020, available at: <https://www.thehindu.com/news/national/other-states/bhim-army-led-anti-cao-protesters-stopped-midway-to-collectorate/article30895103.ece#> (last visited on February 23, 2020).

<sup>xvii</sup> Lauren Frayer, "Our Democracy Is In Danger': Muslims In India Say Police Target Them With Violence", *NPR*, January 25, 2020, available at:



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<https://www.npr.org/2020/01/25/798858125/our-democracy-is-in-danger-muslims-in-india-say-police-target-them-with-violence> (last visited on February 23, 2020).

<sup>xviii</sup>Mahtab Alam, “CAA: The Peaceful Protests by Muslims That No One Is Talking About”, *The Wire*, December 29, 2019, available at: <https://thewire.in/rights/caa-peaceful-protests-muslims> (last visited on February 23, 2020). Also see, “CAA protest peaceful, 350 detained in Delhi”, *Hindustan Times*, December 28, 2019, available at: <https://www.hindustantimes.com/india-news/caa-protest-peaceful-350-detained-in-delhi/story-IF6Ig8CbQm0KMtiRdAQjll.html> (last visited on February 23, 2020).

<sup>xix</sup> USCIRF Raises Serious Concerns and Eyes Sanctions Recommendations for Citizenship (Amendment) Bill in India, Which Passed Lower House Today, United States Commission on International Religious Freedom, December 9, 2019, available at: <https://www.uscirf.gov/news-room/press-releases-statements/uscirf-raises-serious-concerns-and-eyes-sanctions> (last visited on February 22, 2020).

<sup>xx</sup>*Id.*

<sup>xxi</sup> PTI, “UN voices concern over violence in India against CAA, urges respect for freedom of expression”, *The Hindu*, December 20, 2019, available at: <https://www.thehindu.com/news/international/un-voices-concern-over-violence-in-india-against-caa-urges-respect-for-freedom-of-expression/article30338241.ece> (last visited on February 22, 2020).

<sup>xxii</sup>*Id.* “We are concerned about the violence and alleged use of excessive force by security forces that we’ve seen that have been taking place in the protests against the Citizenship Amendment Act. We very much call for restraint and urge full respect for the rights of freedom of opinion and expression and peaceful assembly.”

<sup>xxiii</sup>Sajjad Hussain, “Necessary to Prevent Statelessness’: UN Chief Antonio Guterres on CAA, NRC”, *The Wire*, February 20, 2020, available at: <https://thewire.in/external-affairs/un-chief-antonio-guterres-caa-nrc> (last visited on February 22, 2020). “It is absolutely essential when a nationality law is changed, the statelessness is prevented. Because when basic right of anyone anywhere is to have a country that a person calls his, then everything should be done in order to avoid statelessness.”

<sup>xxiv</sup>Mala Jay, “154 European Union lawmakers draft stunning anti-CAA resolution”, *The National Herald*, January 25, 2020, available at: <https://www.nationalheraldindia.com/india/154-european-union-lawmakers-draft-stunning-anti-caa-resolution> (last visited on February 22, 2020).

<sup>xxv</sup>Safoora, “EU moves resolution against ‘dangerously divisive’ CAA”, *The Siasat Daily*, January 28, 2020, available at: <https://www.siasat.com/eu-moves-resolution-against-dangerously-divisive-caa-1805251/> (last visited on February 22, 2020). “Noting that the controversial citizenship legislation sets a dangerous precedent and represents an intensification of the Government’s Hindu nationalist agenda. The resolution underlines that the indivisibility of human rights, including civil, political, economic, social and cultural rights, is one of the main objectives of the European Union in its relations with India.”

<sup>xxvi</sup>Supra note 22. “The amended law undermines India’s commitment to uphold the Universal Declaration of Human Rights, the ICCPR and the Convention for the Elimination of Racial Discrimination, to which India is a State party, which prohibit discrimination on the basis of racial, ethnic or religious grounds.”

<sup>xxvii</sup>*Id.*

<sup>xxviii</sup>*Id.* The CAA is explicitly discriminatory in nature as it specifically excludes Muslims from having access to the same provisions as other religious groups”

<sup>xxix</sup> Elizabeth Roche, “As European Parliament defers vote, Delhi says CAA ‘internal matter’”, *Live Mint*, January 31, 2020, available at: <https://www.livemint.com/news/india/-diplomatic-victory-for-india-as-european-parliament-defers-vote-against-caa-11580360422317.html> (last visited on February 22, 2020).