

# The legality and morality of the Citizenship Amendment Act, 2019

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## ABSTRACT

The Indian Parliament passed the Citizenship Amendment Act (CAA) of 2019 on the 11th of December 2019. The Act is an amendment to the Citizenship Act 1955, which confers citizenship upon Hindus, Sikhs, Buddhists, Jains, Parsis, and Christian religious minorities from the countries of Afghanistan, Pakistan, and Bangladesh who had fled from persecution from their respective countries before the 31st of December in 2014.

The Act does not include other minorities from these countries; additionally, it also excludes other neighboring countries with persecuted minorities from its ambit. The Act does not entail any intelligible differentia between those minorities and countries included in the law, and those excluded from it. It fails to establish a nexus between the objective of the law and the differentia; it is fundamentally arbitrary. The CAA of 2019 is against the secular nature of the country, as it uproots the foundation and principles upon which the Constitution was drafted.

Although legal academia has witnessed some discussion on the repercussions of the CAA-NRC in India and its practical implications, this paper will exclusively analyze the change in Indian constitutional values through this Act, and whether or not it is violative of Article 14, arguably the most basic of the Fundamental Rights. In addition to marring the Basic structure of the Constitution, the Amendment of 2019 also creates a monumental shift in the epistemology behind Indian citizenship and the basis upon which citizenship is granted in India (Jus Soli to Jus Sanguinis). The constitutional morality has been challenged numerous times throughout history, but arguably none have shaken the cornerstones of the Constitution on a fundamental level, like the CAA of 2019.

## ***Keywords***

CAA- 2019, Article 14, Citizenship Law, Basic Structure Doctrine, Arbitrariness

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