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A Constitutional Analysis of Religion-Based Citizenship in South Asia: Caa 2019 and Equality in South Asia

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ABSTRACT: This research paper critically explores the constitutionality of religion-based citizenship in the South Asia region, especially in the context of India's Citizenship (Amendment) Act, 2019 (CAA). This legislation signifies a major change in India's citizenship laws as it includes religion as a condition for granting citizenship, which leads to very essential constitutional issues of equality, secularism, and non-discrimination. The study follows a doctrinal and comparative approach to examine the harmony of the CAA with the constitutional values of India, especially equality and the basic structure doctrine.

The paper also places the CAA in the wider constitutional scenery of South Asia by drawing parallels between citizenship laws of Pakistan Bangladesh Sri Lanka and Nepal which have different levels of religious influences on their state policies. Using this comparison, the article analyses if religion-based differentiation in citizenship laws can find a constitutional justification or is it a violation of liberal democratic principles. The paper besides discusses the enactment issue of CAA with reference to international human rights law, especially newly recognized groups and refugee protections. The paper reports that although the CAA is being justified with humanitarian reasons, its targeting only specific religious communities might be seen as arbitrary and exclusionary which may go against the constitutional principle of equality before the law. It promotes an inclusive and secular citizenship model that is in harmony with constitutional morality and regional human rights treaties. It finally suggests the formulation of a holistic refugee policy and enhanced regional collaboration for tackling migration and citizenship related problems in South Asia.

1. INTRODUCTION

1.1 Background of Citizenship in South Asia

The idea of citizenship in India was formed under the constitution, which set the tone for secularism, equality and inclusiveness. The constitution aimed at fostering a national identity based on citizenship where the link between citizenship and religion was broken and universal equality was emphasized. On the other hand, some other countries in South Asia like Pakistan and Bangladesh introduced religion as a significant factor in their constitution and laws[1-2]. Actually, Sri Lanka and Nepal are two other nations that have had a hard time finding the proper combination of ethnicity, religion, and citizenship, with the state at times mirroring through its policies the dominant cultural or religious narratives. The range of constitutional approaches in South Asia reveals the regional uniqueness in the global constitutional dialogue. While a handful of countries have opted for secular constitutionalism, others have chosen hybrid or faith-based systems. This diversity causes a lot of

debates on to what extent citizenship can be or whether it should be derived by religious identity, especially in the areas with a lot of cultural and religious diversity. Therefore, the ongoing debates about citizenship in South Asia should be regarded as an element of the overall attempt to reconcile constitutional principles with the actual political situation[3].

1.2 Emergence of Religion-Based Citizenship Policies

Recently, the reappearance of religion as a marker of citizenship has sparked various scholarly and political debates in South Asia. This is only one element of more global developments in identity politics, nationalism, and the securitization of migration which however also holds certain special regional features derived from historical experiences and socio-political changes. The introduction of the Citizenship (Amendment) Act, 2019 in India is a strong inflection point in this trajectory[4]. It fundamentally deviates from the predominantly secular nature of citizenship laws in India by utilizing religion as a criterion for citizenship. The legislation, which has caused some to question the values of equality and non-discrimination, only confers citizenship to specific religious minorities from a few neighboring countries while excluding others. Since then, the issue of whether religion-based categories are even right according to the constitution and if they will affect India's secularism has been heating up.

1.3 Research Problem and Objectives

The main research question the article is dealing with is whether using religion as a condition for granting citizenship can go hand in hand with the constitutional values of equality, secularism, and non-discrimination in South Asia. The Citizenship (Amendment) Act, 2019 is the main point of reference for this study because it openly depends on religious categorization and it could affect constitutional law[5-6].

The first objective of this research is to analyze the present citizenship constitution and legal framework of India, majorly focusing on the changes introduced by the Citizenship Amendment Act (CAA) 2019 to the framework. The second goal is to explore whether segregating people on the basis of religion accords with the principles of equality and secularism which are the very essence of the constitution. Thirdly, there would be a thorough study on the citizenship laws of the chosen South Asian countries, mainly by understanding the role of religion in these laws[7]. Fourth, the research will examine the extent to which laws like these affect minority rights protection as compared to international human rights standards. The last objective is to develop a normative framework for inclusive and constitutionally consistent citizenship policies in this region.

1.4 Research Questions

In order to address the above objectives, the paper is guided by the following research questions:

Is religion-based citizenship a breach of the constitutional principle enshrining equality before the law?

How far can a religious classification be excused on the ground of the reasonable classification doctrine in constitutional law?

In which ways is the Citizenship (Amendment) Act, 2019 different from the citizenship laws of other South Asian countries?

Besides internal minority rights, what other international human rights obligations might government take into consideration in formulating religion-based citizenship policies?

1.5 Methodology (Doctrinal and Comparative Constitutional Analysis)

Non-discrimination is at the very heart of the matter - rights under global treaties materially influence this line of intervention. One single piece of legislation however, cannot bear the burden alone. Legal texts, policy papers and scholarly debates constantly redevelop our understanding of these rights. International standards do provide rules; however, they also indicate the areas where the implementation of rights is deficient. This is not only about what courts decide but also what governments in fact do. In fact, the research is carried out with the assistance of political science as well as law[8-9]. Human rights, like nature, are not at a standstill. They are always developing through struggle and accommodation. Sometimes changes in policy can totally change the interpretation. Research is thus no longer confined to the library but is concerned with the real-world impact, the saying versus the doing.

2. THEORETICAL FRAMEWORK: CITIZENSHIP, SECULARISM, AND EQUALITY

2.1 Concept of Citizenship in Constitutional Law

At its core, citizenship is a very basic idea that underlies constitutional law, since it spells out how individuals legally relate to the state. It is the factor that decides, on one hand, who a legitimate member of a political community is, and on the other, who can enjoy the rights that citizens are entitled to, i.e. civil and political rights as well as, to an ever greater extent, socio-economic rights. In constitutional democracies, citizenship is mainly understood and associated with the ability to gain or acquire rights, be held responsible for certain duties and finally, be granted a stage where one can express the political views and thereby develop the political self or the identity[10]. Two different dominant theoretical models of citizenship are often identified: civic (or liberal) citizenship and ethno-cultural (or communitarian) citizenship. Civic citizenship stresses equality, universality, and individual rights, no matter whether one has religion, ethnicity, or language as identity markers or not. It comes from the notion of a neutral state that equally treats all citizens under the law. On the contrary, ethno-cultural citizenship models rely on common cultural, religious, or historical identities and are a way to continue certain groups being focus of national belonging definition[11].

Constitutional citizenship approaches in South Asia however do not simply follow one model. On the one hand, India's original conception of citizenship was civic, i.e. it stressed inclusion and secularism. On the other hand, some countries have introduced religious or cultural components in their legislation. This juxtaposition of the two shows the tension between constitutional aspirations and coexistence of different religions and ethnic groups in societies.

2.2 Secularism as a Constitutional Principle

Secularism as a constitutional norm fundamentally informs how religion and the state interact with each other. However, the interpretation and implementation of secularism differ drastically from one jurisdiction to another. The traditional liberal concept of secularism implies that religion and state must be completely separated, so that state-sponsored institutions are not partial or biased towards any religion. This form of secularism is more or less synonymous with the constitutional heritage of the West. However, a South Asian understanding of secularism is usually marked by a more accommodating or pluralistic attitude. India, things like that, secularism there has been seen quite differently than the Western notion of it as the complete separation of religion and state. Instead, it means that the government maintains a fair distance from all the religions and does not favour any one of them[12-13]. Such a model aims at giving people religious freedom and at the same time working towards social reforms and equality. Secularism has strong ties with the doctrine of the basic structure in constitutional law, especially in India, where it has been recognized as a fundamental characteristic of the Constitution. Hence, a law or any action by the government that weakens secularism can be questioned before the constitution. Thus, secularism is not just a matter of policy, but is a principle that is deeply embedded in the Constitution. Secularism has a different role in the other South Asian countries. Pakistan, for example, openly declares itself an Islamic state and integrates religion into its constitution. Bangladesh is a secular state according to the constitution but there have been changes in the way it has embraced secularism over time. Nepal's becoming a secular republic is a clear break from its past as a Hindu kingdom. These differences show how secularism is a disputed and changing concept in the region[14].

2.3 Equality Before Law and Non-Discrimination

Equality before the law and non-discrimination are fundamental tenets of constitutional governance and human rights law. These tenets guarantee that everyone is treated equally by the government and that any different treatment must be rightly justified based on valid and unbiased reasons. In most constitutional frameworks, equality is not construed as strict uniformity but rather as a protection against arbitrary or unjustified discrimination. In the Indian constitutional system, the equality principle is reflected in the clauses that forbid discrimination on the basis of religion race caste, sex, or place of birth. The concept of reasonable classification allows for differential treatment if it is based on clear and justified differences and there is a logical connection between the means used and the end sought to be achieved. Nevertheless, this concept remains open to judicial examination to avoid its exploitation and to ensure that the classifications are neither arbitrary nor exclusionary. Incorporating religious criteria in citizenship laws can potentially cause serious concerns related to it[15]. It is a fact that states have the sovereign right to regulate their citizenship laws; however, these laws should not go against the constitutional rights to equality and nondiscrimination. One needs to consider whether religious classifications can be justified and are proportionate or they are, by their very nature, violations of the principle of equal treatment without discrimination.

2.4 Comparative Constitutionalism in South Asia

Comparative constitutionalism wonderfully helps us view familiar issues through the varied lenses of different legal systems. For instance, the concept of South Asia demonstrates how comparative constitutionalism brings out the incredible diversity of ways in which the constitutional laws in the region address citizenship, secularism, and equality. The region's history may be common, but each country has operated its own political, cultural, and ideological forces to shape diverse constitutional structures.

2.5 Regional Diversity in Constitutional Design

The Indian Constitution, from this perspective, is a very strong declaration of secularism and equal treatment, at least in theory. Pakistan however brings Islam to the forefront of the constitution, particularly in matters of granting citizenship and governance. Bangladesh is a case in point in a sense where it alternates between secularism and religion in its constitutional emphasis from time to time. Sri Lanka recognizing Buddhism in its constitution and Nepal later becoming a secular one, would be a further illustration of such diverse approaches amongst the constitutions of the region[16-17]. This diversity in the region implies that there is not one such uniform constitution model for South Asia at all. Instead, it reveals a variety of choices ranging from completely secular to religion-based legal systems. By studying comparative, one can learn how these systems work in reality and to what extent they remain true to the idea of equality and non-discrimination. Above all, comparative constitutionalism facilitates a normative assessment. By reviewing multiple instances, one will be able to evaluate the advantages and disadvantages of religion-based citizenship policies and their compliance with the constitutional principles. The diversity of perspectives is what makes the analysis of the Citizenship (Amendment) Act, 2019 important not only from a national viewpoint but also at the regional and theoretical levels[18].

3. HISTORICAL CONTEXT OF CITIZENSHIP IN SOUTH ASIA

3.1 Colonial Legacy and Partition (1947)

Colonial legal systems and the massive upheavals resulting from the 1947 Partition are the twin pillars of citizenship's historical evolution in South Asia. The notion of citizenship as it is understood today in modern constitutional democracies was hardly developed during the British colonial period. People were viewed as the British Crown's subjects whose rights and obligations were regulated through the imperial structure. In fact, legal identity was often dictated by the need for administrative convenience, by communal categorizations, and by colonial policies which primarily exploited religious and ethnic divisions[19]. Besides, the colonial government almost made communal identities part of the social fabric by examples such as separate electorates, census classifications, and different legal systems.

3.2 Migration, Refugees, and Identity Politics

The necessity to solve the issue of resettling displaced people pushed governments to establish legal and administrative methods for verifying their citizenship, generally under circumstances of uncertainty and scarce resources. For instance, the arrival of refugees from Pakistan to India necessitated the passage of legal regulations to address citizenship, habitation, and rehabilitation issues. The Constitution set forth provisions related to the status of migrants, which indicated a readiness to embrace these migrants whilst dealing with the difficulties of verification and documentation. However, migration did not stop as political instability, economic inequality, and natural disasters kept happening, thereby making the citizenship situation even more complicated.

3.3 Evolution of Citizenship Laws in India, Pakistan, Bangladesh, Sri Lanka, and Nepal

India built citizenship rules around inclusion and secular principles from the start. The Citizenship Act of 1955 set up pathways with birth, descent, and registration, then naturalization followed. Over time, changes came as migration grew, security worries rose, and politics shifted. New rules now demand tighter checks on undocumented entry and papers - some even suggest a harder stance on foreign immigration. Pakistan's system began in 1951 under its own Citizenship Act. It shapes identity through Islamic law, blending religious norms into who qualifies. Birth and descent matter - but Islamic standards shape how those rights play out in practice. Minority protections remain fragile - a constant point of debate across policy decisions[20].

Thing is, Bangladesh's citizenship law started tangled in both secular ideals and religious influences. The 1951 Act carried over from Pakistan and changed slowly after that. Religious shifts in politics sometimes pushed the constitution toward favoring

certain groups. That meant minority rights often got sidelined. The real shift happened when faith-based decisions influenced who could stay or leave the country. Laws related to citizenship in Sri Lanka have been largely based on ethnicity and language factors. The 1948 Ceylon Citizenship Act and later enactments effectively deprived the Indian-origin Tamils of citizenship, a large number of them were left stateless. Although changes in the law have tried to remedy these problems, the history of discriminatory policies still significantly influences public discussion today. Transition of Nepal's citizenship law after 2007 Nepal being a secular country after the abolition of Hindu monarchy in reformulating its citizenship law is a case quite different from the other two. As per the Constitution of Nepal, the citizenship provisions embody the very ideals of inclusiveness but at the same time reveal the difficulties in identifying one's citizenship gender equality and regional issues are among the challenges. Citizenship-related issues are usually linked with federalism, ethnicity, and political representation in Nepal.

4. LEGAL FRAMEWORK OF CITIZENSHIP AMENDMENT ACT (CAA), 2019

4.1 Legislative Background and Objectives

CAA, passed by Parliament in December 2019, changes the existing system by making religion a factor in deciding citizenship eligibility. The legislative history of the Act is tied to the migration patterns of the Indian subcontinent, most notably the Partition of 1947 and the communal tensions that followed in the neighboring countries. The Indian government argued for legislative changes focusing on the suffering of religious minorities who were said to be the targets of severe forms of persecution in the Islamic-majority countries of Afghanistan, Bangladesh, and Pakistan.

The principal aim of the Act as stated by the government is humanitarian. The Act intends to accord legal recognition and safeguard only those categories of migrants who have come to India on account of religious persecution and are presently living in the country without formal citizenship status. Regularization of their status through the Act is meant to enable these groups to be a part of the legal and socio-economic Indian state framework[21].

4.2 Key Provisions of CAA 2019

Citizenship for Specific Religious Minorities from Neighboring Countries

The CAA makes targeted changes in the Citizenship Act 1955 mainly modifying the sections that define "illegal migrants" and the criteria for naturalization. The most noteworthy amendment is perhaps the change of status of certain migrant groups who were previously illegal under the law. As per the revised law, people from six religious communities—Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians—who are from Afghanistan, Bangladesh, and Pakistan and entered India by 31 December 2014, will no longer be considered illegal migrants. They will have the right to pursue Indian citizenship through either registration or naturalization. Another major clause of the Act is that it lessens the number of years one is required to live in India before applying for citizenship, from the current 11 years to only 5 years for those in the specified categories. This is a clear carve-out for the groups in question, leading to their faster citizenship acquisition.

4.3 Classification Based on Religion and Country

In legal terms, such classification has to pass the test of reasonable classification under constitutional law. This means that the classification should be founded on a clear basis of difference and should have a logical connection to the purpose of the law. The government contends that the choice of countries is based on their being Islamic republics or having Islam as the main state religion where non-Muslim minorities are at a higher risk of religious persecution. Thing is, some groups get left out, like Ahmadis in Pakistan or Hazaras in Afghanistan, both of whom have faced serious hardship. Records show they're still persecuted despite the act's coverage. Refugees from neighboring regions? That's another gap, Tamil Hindus from Sri Lanka or Rohingya Muslims from Myanmar don't get included either. The law fails those communities clearly.

Thing is, picking religion as the key factor makes the system feel unfair. It breaks equal treatment rules and plays fast and loose with fairness. Citizenship comes with real protections and rights, excluding anyone hurts people badly. The result? A group gets left behind without any safety net. That's not balanced at all. Rights don't go away when you leave them out. People suffer when they're cut off from the benefits of being part of society. You can't ignore that.

4.4 Government Justifications (Humanitarian and Historical Grounds)

The Government of India says the CAA fixes historical injustices for religious minorities facing persecution in neighboring nations with official state religions. Those communities endure systematic discrimination and violent targeting under such systems. The law aims to restore dignity, safety, and equal access to jobs and services for long-term undocumented migrants. Without legal status, they've been locked out of basic rights and public life. Citizenship now offers a path to integration, fairness, and societal belonging. It's not about new policies - it's about addressing real harms. Migrants have lived here decades without recognition or protections. Giving them citizenship fulfills a moral obligation rooted in protection and inclusion.

The historical reasons that explain the Act are tied to the Partition and the subsequent inability of the neighboring states to protect minor minorities. The argument suggests that India, as the continuator state of the British India, has a moral obligation towards the communities that were made vulnerable after the Partition. In fact, Indians have been portrayed as a refuge for the persecuted, based on the civilizational and cultural connections.

5. CONSTITUTIONAL ANALYSIS OF THE CITIZENSHIP (AMENDMENT) ACT, 2019 (INDIA)

5.1 Article 14: Equality Before Law

Indian Constitution's Article 14 provides two types of equality: equality before the law and equal protection of laws. It forbids random state actions on the one hand, and on the other hand, it allows reasonable classification if it is based on clear differentia and there is a rational relation of such differentia to the purpose of the law. The constitutional validity of the Citizenship (Amendment) Act, 2019 (CAA) has mainly been discussed in this doctrinal framework. The main question is whether the classification made by the CAA based on religion and country of origin meets the standard of reasonable classification or whether it is an instance of impermissible arbitrariness. Those in favor say the Act points out a particular group of people, religious minorities from the three neighboring Islamic-majority countries who are subjected to persecution and therefore need protection. This, in their view, is an intelligible differentia having a rational nexus to a humanitarian objective of the legislation.

However, critics dispute this argument on the basis that the classification is not only under-inclusive but also selective. Leaving out similar groups, for example the Muslim minorities like Ahmadis and Hazaras or the persecuted communities from other neighboring countries, gives rise to a suspicion of arbitrariness. The Supreme Court of India in its changing jurisprudence has pointed out that arbitrariness is the opposite of equality, which has led to the expansion of the interpretation of Article 14 beyond the formal classification tests. Against this wider interpretative background, the selective method of CAA has to go through a stringent constitutional examination[22].

5.2 Article 15: Non-Discrimination on Religious Grounds

Article 15 prohibits discrimination on the grounds of religion, race, caste, sex, or place of birth. The article mainly covers the citizens only, but the core principle of non-discrimination that it supports is consonant with the general spirit of the Constitution. The CAA's explicit intention to use religion as a criterion for citizenship results in a very serious challenge to its conformity with this principle. The government argues that the Article 15 is not applicable directly, as the Act deals with foreigners getting citizenship whereas citizens are the existing ones. Nevertheless, this indirect differentiation has been challenged by academicians and lawyers who believe that the use of religion as a criterion for law-making, even in the case of citizenship by naturalization, is an affront to the larger constitutional values of secularism and equality. So the issue is really beyond the question of technical appropriateness only. It is about constitutional morality. The selective recognition of certain religious groups, on the other hand, may be judged as going against the spirit of non-discrimination. This is especially true in a constitutional system that seeks religious neutrality.

5.3 Secularism as Basic Structure

Secularism was declared by the Supreme Court as part of the basic structure of the Indian Constitution that cannot be amended by the legislature. Indian secularism, unlike the Western strict separationist versions, does not regard religion as a mere private affair but respects and values all religions equally while also maintaining state neutrality. The government side argues that the legislation is not against secularism because the main objective of the law is to safeguard the minorities who are suffering persecution and not to favor any one religion. Also, it is said that giving different treatment on the basis of

humanitarian reasons does not necessarily mean that the secularism is overthrown. Hence, the constitutional issue is whether the state can remain neutral while at the same time differentiating on such grounds.

5.4 Critique: Under-Inclusiveness and Selective Protection

The main criticism of the CAA is that it is under-inclusive, which means disregarding certain individuals or group of people who are in the same situation. The Act, by limiting the scope to certain religious communities of specified countries, will come out of the exclusion of the other groups who may be going through the same or even greater level of persecution[23].

6. COMPARATIVE CONSTITUTIONAL PERSPECTIVE IN SOUTH ASIA

6.1 Pakistan: Islamic Constitutional Framework

Islam has been recognized as the state religion of Pakistan at the constitutional level which has defined the country's legal and political institutions to a large extent. Islam not only affects citizenship and governance but also the judicial system which is based on Islamic law in many areas of life. This system, which embodies the original identity of the country, is still a subject of controversy with respect to the rights of minorities and the issues of inclusiveness.

6.2 Bangladesh: Secularism vs. Religious Identity

Bangladesh has a hybrid constitutional model, in which secularism is recognized along with Islam as the state religion. The Constitution declares secular principles, but political changes have resulted in varying degrees of religious influence in government. This dual character makes it difficult to carry out citizenship and minority rights policies smoothly.

6.3 Sri Lanka: Buddhism and Constitutional Preference

According to Sri Lanka's Constitution, Buddhism is given a "foremost place," although it also guarantees freedom of religion. The special recognition given to Buddhism is primarily based on the country's cultural and historical background. However, it is well known that the Buddhist dominance along with the ethnic and religious discrimination have been linked to these issues of conflict. At various points, citizenship policies have opened these issues up to even more complications, especially concerning the minority communities.

6.4 Nepal: Transition to Secular Constitutionalism

For Nepal, the changeover from a Hindu monarchy to a secular republic is a remarkable constitutional transformation. Although the present structure focuses on inclusiveness and equal rights, they still face some significant problems among which identity, federalism, and citizenship are main ones. Nepal's case is a good example of how complicated it can be to redefine one country's identity in the case of diverse societies.

6.5 Comparative Evaluation

South Asia shows a wide range in how religion and government connect. Some nations legally tie faith to the state, even though others keep things secular or blend both approaches. Probably, no single model works across the board for citizenship or constitutional design here. Each country's legal setup shapes how religion enters public life, this isn't just a national issue, it's rooted in local structures. The mix of religious ideas in laws often causes friction. Mostly in places with many faiths, equal treatment and minority protections become tough problems. Not every rule fits equally well everywhere.

7. EQUALITY AND HUMAN RIGHTS IMPLICATIONS

7.1 Compatibility with International Human Rights Law

The Citizenship (Amendment) Act, 2019 (CAA) probably doesn't fit neatly within India's constitutional rules alone - what about global human rights standards? The UDHR and ICCPR say everyone deserves equal treatment, no bias based on faith. They insist any difference must make sense, stay fair, and not go too far. Does the CAA really follow those rules? It might not be clear yet. Maybe it's more about politics than protection. Could this actually harm religious freedom?

The government has defended the CAA as a humanitarian gesture, which is in line with the basic concepts of the international community to protect the most vulnerable groups. At the same time, the Act is, through its selective nature, restricted to specific religious communities which can be regarded as a violation of the universality of human rights standards.

The international courts do not encourage making differences that do not include all individuals who are in similar situations, especially when those differences influence the right to access the most basic rights.

7.2 Refugee Protection vs. Citizenship Rights

The major difference between refugee protection and citizenship rights is key to analyzing the Citizenship Amendment Act (CAA). Refugee law serves the purpose of granting temporary protection to those who are forced to flee their country due to persecution, while citizenship law is about determining who makes the political community on a permanent basis. So, by linking humanitarian protection to citizenship, the CAA pretty much merges these two domains. Since India does not have a comprehensive refugee law, it has, in the past, depended on ad hoc administrative measures to deal with refugee situations. The CAA may possibly be viewed as an effort to give legal status to certain groups, but its selective approach makes one worry about the larger refugee protection framework. One would like to see refugee protection based on neutral, universally applicable standards, e.g. persecution or danger, rather than on distinctions based on identity[24].

7.3 Impact on Minority Rights

The CAA poses major challenges for the rights of minorities, not only in India but also in the entire South Asian region. At the domestic level, the Act has sparked fears among minority groups about the weakening of the constitutional guarantees of equality and secularism. The government has reiterated that the Act does not take away the citizenship of any existing citizens. Nevertheless, the very idea of dividing people on the basis of religion is a powerful both symbolically and in a structural sense and cannot be disregarded. Choosing to only include some religious groups can be seen as giving one set of identities an advantage over others, thus changing the norm of citizenship. Such a step could affect how minority groups feel about their belonging and safety, especially in a society that is very diverse and pluralistic.

7.4 Regional Implications for South Asian Constitutionalism

Besides that, the CAA also needs to be understood in the larger storyline of constitutionalism in South Asia. The region exhibits various constitutional models, from totally secular to those influenced by religion. Introducing religion as a basis for citizenship in India, which has been considered a secular constitutional state, is a major change in the country's constitutional history. The shift towards a religion-based citizenship may affect the changing of constitutional norms in the region. It opens up concerns about how far secularism can continue to survive and to what extent constitutional principles can hold up against political temptations. According to the comparative study, the inclusion of religious elements in government policy usually causes the conflict of the majority's desires and the minority's rights[25].

Meanwhile, the local setting illustrates the lack of a one-size-fits-all solution to citizenship and constitutionalism. The range of options not only mirror various historical and political paths but also indicate the necessity for normative structures emphasizing equality and inclusiveness. The CAA engages in this debate by questioning the conventional notions of citizenship in one of the biggest constitutional democracies of the region.

8. WAY FORWARD: TOWARDS INCLUSIVE CITIZENSHIP

8.1 Need for Comprehensive Refugee Law in India

The Citizenship (Amendment) Act, 2019 (CAA), although it makes some changes to the citizenship of certain communities, cannot be considered as a comprehensive legislation on refugees. It only gives selective citizenship to those who belong to particular communities, thus underlining the necessity for a well-organized and legally binding system with universal application. Passage of a full-fledged refugee law would allow the government to frame definite standards for asylum, set up procedural protections and comply with international human rights norms. It is expected that the law should rely on the key tenets of non-refoulement, non-discrimination, and humanitarian protection. At the same time, it must differentiate between temporary protection and citizenship so as not to get conceptually and legally confused. By going for a rights-based method, India not only will reaffirm itself as a responsible global player but also will be fair and consistent in its treatment of refugees.

8.2 Strengthening Secular Constitutionalism

Discussions on the Citizenship Amendment Act highlight the need to re-establish the secular constitutionalism that is the main principle of governance. Secularism in a diverse society is the best way to ensure equality, neutrality, and inclusivity. It offers a set of rules inside which different religious identities can live together without giving any one of them priority or

neglecting any of them. Working towards secular constitutionalism involves institutional and normative measures. Courts are essential in exercising their power of constitutional interpretation and watch over the protection of fundamental rights; they are the ones who make the final call. Constitutional morality, values like equality, dignity, and justice trumping the majority's will, probably shapes how we see fairness in government. People learn these ideas through public talks, academic work, and informed discussions. A thoughtful society tends to recognize their importance. These principles don't vanish when votes shift. Awareness grows slowly. It's not always clear what exactly guides decisions. Still, many agree they matter deeply.

8.3 Regional Cooperation in South Asia

Migration and displacement in south Asia span borders and demand joint action. One nation can't solve this alone. Regional cooperation is vital. Shared history shapes how people move and live. How do countries build trust in refugee protections? Collaborative policies offer real potential. Social ties make collective efforts possible. The regional mechanisms might aim at aligning the legal provisions, exchanging successful examples and setting up common minimum standards regarding the treatment of refugees and migrants. Forums for multilateral negotiations will enable the states to engage in discussions and cooperate so that they can tackle underlying factors of displacement like conflicts, persecution and economic inequalities. Besides, regional cooperation helps restoring trust among communities and minimizing the fears that result from unauthorized cross border movement of people. If the South Asian countries decide to join hands in the migration issue, this will be a preliminary step towards a more comprehensive and rightsbased approach to the matter of citizenship, while at the same time taking into account their individual constitutional and political environments.

9. CONCLUSION

9.1 Summary of Findings

The present research explores the constitutional and human rights consequences of religion-based citizenship in South Asia with special reference to the Citizenship (Amendment) Act, 2019. The examination highlights that the Act marks a stark break from the usual citizenship models established on secularism and equality. The CAA is touted as a philanthropic measure, but its religious and geographical selectivity have brought up a host of constitutional issues. Besides, the comparative study shows that different South Asian constitutions have different ways of dealing with the religion-state nexus.

9.2 Scope for Future Research

What if we actually looked at how the CAA plays out on the ground? A few states already saw protests after the law passed, people questioned whether it protected everyone equally. Research could track real-life impacts, not just legal theory. Not every state treats citizenship the same. Some rural areas still lack documentation access; others see sudden shifts in neighborhood dynamics. Compare India's model to Canada's, where inclusion is baked into immigration rules. Then check Scandinavia - how do they define belonging when culture blends? Law meets politics when courts decide who belongs. That moment shapes lives beyond textbooks. Courts aren't just interpreting texts - they're shaping rights day by day. How much power do judges really hold now? The gap between policy and practice grows wider each year.

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