

Course Title: EMPA Public Policy in Practice I

Course Code: PP4G9E

**Essay title: Religious Bureaucratic Closure: Citizenship
and Exclusion in India's CAA-NRC Regime**

June 29, 2025

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I. Introduction

Citizenship is more than legal status—it is a multidimensional construct encompassing rights, participation, and belonging (Goodman, 2022). It defines a nation’s moral and political boundaries: who is included, who is excluded, and on what terms. In India, the 2019 Citizenship Amendment Act (CAA) and the proposed National Register of Citizens (NRC) have reignited fundamental debates about those boundaries and the ideological direction of the Indian state.

The CAA grants citizenship to non-Muslim migrants from Afghanistan, Bangladesh, and Pakistan who entered India before December 31, 2014, framed as a humanitarian gesture toward persecuted minorities. However, by excluding Muslims—including Rohingya and Ahmadis—it departs from the Constitution’s secular ethos. The NRC then requires proof of ancestry or residence before March 24, 1971—a threshold many, particularly the poor and marginalized, cannot meet due to inadequate documentation. Together, the CAA and NRC create a two-tiered system: non-Muslims excluded from the NRC can be protected under the CAA, while Muslims risk statelessness and detention.

This essay argues that the CAA-NRC framework signals a turn toward *religious bureaucratic closure*, a state-led exclusion that redefines citizenship through ideological majoritarianism and selective documentation. See Figure 1 that visualizes this decision-tree: alongside in which religion and bureaucratic proof operate as filters of legal belonging, producing structurally unequal outcomes (The Wire, 2019).

Through theoretical grounding, policy analysis, and comparative perspectives, this essay examines how law has become a tool of exclusion—and what legal and policy reforms are essential to reversing this trajectory.

II. Theoretical and Ideological Framework

Understanding the CAA-NRC regime requires a synthesis of citizenship theory and the ideological imperatives of *Hindu nationalism*. As Brubaker (1992) notes, citizenship functions as *social closure*—marking boundaries of inclusion and exclusion. Goodman (2022) extends this view, framing citizenship as a multidimensional construct encompassing legal status, access to rights, and lived belonging.

India's recent trajectory reflects what Joppke (2018) terms the “*instrumental turn*” in citizenship: legal frameworks used not merely to administer inclusion, but to construct identity and assert political control. The CAA and NRC are not neutral policy instruments, but ideological instruments employed by the Bharatiya Janata Party (BJP) to reshape the national identity along religious lines.

This reshaping is driven by *Hindutva*—a majoritarian ideology envisioning India as a Hindu nation. As Sarkar (2022) notes, *Hindutva* seeks not only religious supremacy but a rewritten history portraying Muslims as outsiders, incompatible with Indian civilization. Under this vision, legal frameworks are recalibrated to marginalize minorities and elevate Hindu primacy. The CAA's selective inclusion of non-Muslim migrants is cast as historical redress, while the exclusion of Muslims—even those facing persecution, and the NRC's demand for ancestral proof - regardless of their generational root—reflect this ideological vision.

This essay introduces the concept of *religious bureaucratic closure* to describe how citizenship is redefined through both ideological filters and procedural hurdles. Unlike overt legal exclusion, bureaucratic closure fuses documentation demands with identity screening, producing institutionalized inequity. Belonging is no more a right—but a bureaucratically verified status filtered through religious identity—marking the shift toward state-sponsored ethno-nationalism.

III. Citizenship Policy Context in India

India's citizenship framework was originally grounded in a post-colonial vision of secular, civic-based inclusion. The Constitution of India (1950) adopted *jus soli*, granting citizenship by birth on Indian soil, irrespective of religion or ethnicity. This approach reflected a pluralistic ethos and decisively rejected the communal logic that fuelled Partition.

Over time, however, India's citizenship laws have grown increasingly restrictive. As the GLOBALCIT Report (2021) notes, amendments in 1986 and especially in 2003 marked a shift toward *jus sanguinis*, privileging descent over birth. The 2003 amendment, under a previous BJP-led government, introduced the Overseas Citizen of India (OCI) category and laid the legal groundwork for a National Register of Indian Citizens (NRIC)—signalling a move toward documentation and ancestry as determinants of nationality.

This trajectory culminated in the CAA, which offers expedited naturalization to non-Muslim migrants—Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians—from Afghanistan, Bangladesh, and Pakistan, provided they entered India before December 31, 2014. Though framed as a humanitarian gesture, the CAA explicitly excludes Muslims, including Ahmadis and Rohingya, who also face persecution.

The CAA's discriminatory logic is compounded by the NRC, which requires individuals to prove ancestry or residence prior to March 24, 1971. In its pilot implementation in Assam, the NRC—overseen by the Supreme Court—excluded 1.9 million residents, many of whom were long-settled but lacking legacy documents.

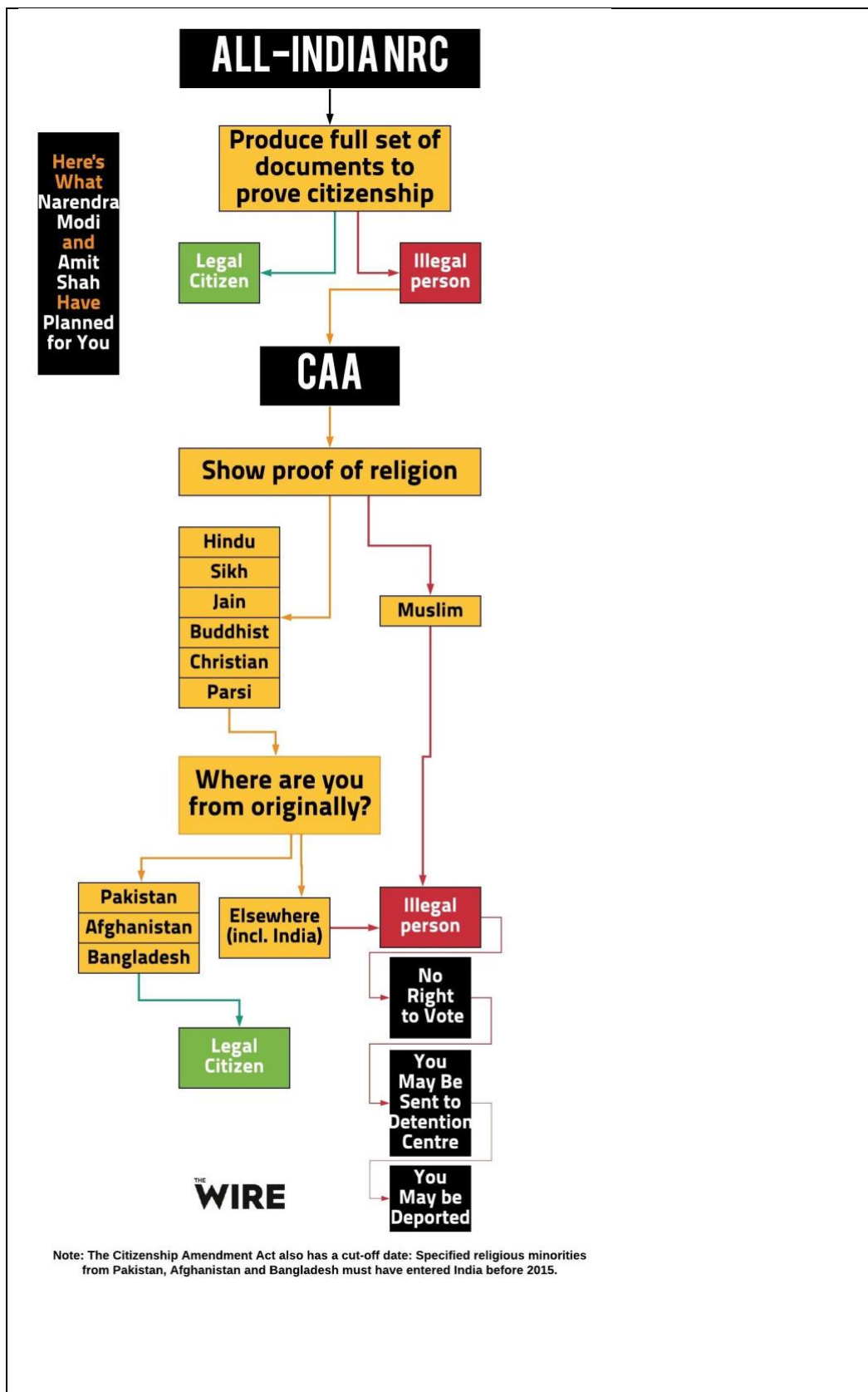
This dual-track regime—CAA protections for non-Muslims and NRC scrutiny for all—creates a structurally discriminatory framework. As GLOBALCIT (2021) observes, similarly situated Muslims are rendered vulnerable to statelessness and detention, while non-Muslims benefit from legal safeguards.

Through these legislative and administrative shifts, India's citizenship policy has moved from civic inclusion to selective exclusion, increasingly reflecting the majoritarian and *Hindu nationalist* ideology of the ruling regime.

Visualizing Bureaucratic Exclusion

The structural disparity between CAA and NRC has been effectively visualized by The Wire (2019), which illustrates how individuals excluded by the NRC may be rendered stateless unless rescued by the CAA's religious filter. The decision tree (See Figure 1) shows that only non-Muslims from select neighbouring states may regain legal status, institutionalizing a religious pathway to citizenship while leaving Muslims at risk of detention or deportation.

Figure 1: Religion-Based Filtering in the CAA-NRC Framework – Non-Muslim Relief vs. Muslim Risk (Adapted from The Wire, 2019)



The CAA immediately faced constitutional challenges. In December 2019, the Indian Union Muslim League (IUML) filed a petition in the Supreme Court, arguing that the Act violated Articles 14 and 15 of the Constitution. Over 200 petitions followed. As of 2025, these cases remain pending, underscoring that the CAA’s fault lines are not merely political but deeply constitutional.

IV. Discriminatory and Exclusionary Effects

The CAA-NRC framework institutionalizes a tiered citizenship regime, combining religious selectivity and documentation burdens in ways that disproportionately affect Muslims. The CAA fast-track citizenship for non-Muslim migrants from Pakistan, Bangladesh and Afghanistan, while Muslims - regardless of persecution – are excluded. Simultaneously, the NRC requires proof of pre-1971 ancestry, disadvantaging poor and marginalized groups, especially Muslims lacking legacy documents.

In Assam, the 2019 NRC excluded 1.9 million residents—700,000 to 800,000 of them Muslims—despite many having voter IDs, ration cards, and school certificates. Their exclusion stemmed from the failure to produce pre-1971 legacy documents. This creates a legal asymmetry: non-Muslims arriving as late as 2014 are eligible for naturalization under the CAA, while native Muslims must prove ancestry before 1971.

Despite such exclusions, only 14 to 350 individuals—almost all non-Muslims—have gained citizenship under the CAA as of May 2024 (Library of Congress, 2024; Bhat, 2024). This wide gap between NRC exclusions and CAA naturalizations underscores the performative, rather than humanitarian, nature of the Act.

Meanwhile, 2,000–3,000 people—primarily Muslims—remain detained in Assam’s six detention centres, with no repatriation arrangements with Bangladesh. These indefinite detentions reflect the spectre of statelessness without legal remedy.

Over 230 petitions challenging the CAA remain pending in the Supreme Court. Petitioners argue it violates Articles 14 and 15 of the Constitution by enabling religion-based exclusions. Scholars such as Rao (2021) and Seshadri (2020) highlight a deepening “*bureaucratic apartheid*,” where citizenship is denied not for lack of belonging, but for failing to produce colonial-era documentation. In this framework, Indian Muslims are rendered outsiders in their own country.

This exclusion is starkly illustrated in Table 1, mapping the asymmetrical outcomes of the CAA-NRC nexus. Persecuted Muslim minorities like Rohingyas and Ahmadis remain unprotected, while similarly situated non-Muslims are eligible for naturalization.

Table 1: Illustrative Region–Religion Matrix of CAA Protection vs. NRC Risk

Region	Religious Group	Persecution Status	CAA Protection	NRC Exclusion Risk
Pakistan	Hindus, Sikhs	Documented	Yes	No
Pakistan	Ahmadis	Documented	No	Yes
Afghanistan	Hindus, Sikhs	Documented	Yes	No
Afghanistan	Hazaras	Documented	No	Yes
Bangladesh	Hindus	Documented	Yes	No
Bangladesh	Muslims	Suspected	No	Yes
Myanmar	Rohingya Muslims	Documented (Severe)	No	Yes
India (Assam)	Bengali Muslims	Native/Settled	No	Yes
India (Assam)	Bengali Hindus	Native/Settled	Yes	No

Source: Constructed by the author based on Citizenship Amendment Act, 2019; NRC guidelines (Ministry of Home Affairs, Government of India); Amnesty International (2020); Human Rights Watch (2024); and media reports cited in this essay.

Please see Table 2 that quantifies this exclusion: Muslims constitute 37–42% of those excluded in Assam, and up to 75% of detainees, yet none have benefitted from the CAA. Rather than functioning as a humanitarian safeguard, the CAA acts as a religious filter that codifies legal inequality (Mander & Singh, 2021; Amnesty, 2024).

Table 2: Region-Wise and Religion-Wise Implementation of CAA and NRC in India.

Policy	Region	Total affected	Muslim impact	Non-Muslim impact	Source
NRC	Assam	1.9 million excluded (2019)	~700,000-800,000 (37-42%)	~1.1-1.2 million (58-63%)	Mander & Singh (2021); Bhat (2024); MHA (2021)

Policy	Region	Total affected	Muslim impact	Non-Muslim impact	Source
NRC	Assam	2,000-3,000 detainees (2021-2025)	~1,200-1,500 (60-75%)	~500-800 (25-40%)	Mander (2021); HRW (2020); Bhat (2024)
CAA	Delhi	14 naturalizations (May 2024)	0	14 (100%, Hindus)	Library of Congress (2024); Bhat (2024)
CAA	Other regions	350 digital naturalizations (May 2024)	0	350 (100%, mostly Hindus, Sikhs)	Library of Congress (2024)
NRC	Nationwide	Speculative estimates suggest 10-20 million at risk	Unknown, but Muslims at higher risk	CAA shields non-Muslims	Amnesty (2024); Mander (2021)

Government Justifications and Critical Rebuttals

The government defends the CAA as a humanitarian measure and the NRC as a neutral administrative process, asserting that Indian Muslims are unaffected. These claims, however, do not withstand scrutiny.

First, the CAA excludes persecuted Muslim minorities like Rohingyas, Hazaras, and Ahmadis—undermining its humanitarian rationale. Second, legacy documentation requirements for NRC disproportionately disadvantage Muslims, who often lack such records due to socio-economic and historical factors. Third, non-Muslims excluded from the NRC can gain legal relief under the CAA, while Muslims face indefinite legal precarity.

Together, the CAA and NRC create a discriminatory legal order that redefines Indian citizenship through the lens of religious identity. As scholars argue, this shift is not merely administrative—it represents a broader ideological realignment toward majoritarian *Hindutva* and away from constitutional secularism.

These official narratives collapse under scrutiny, especially when measured against the lived realities of those rendered stateless by a regime that systematically produces exclusion, legal precarity, and enduring trauma.

V. Statelessness, Civil Resistance & Human Rights Risks

Statelessness is a human rights emergency. The UNHCR defines a stateless person as one “not considered as a national by any state under the operation of its law.” Stripped of voting rights, services, freedom of movement, and legal recognition, stateless individuals endure profound precarity. In India, the combined effects of CAA and NRC put many Muslims – unable to meet documentation thresholds and barred from CAA relief—at grave risk.

As Manby (2016) and Gibney (2009) argue, statelessness can be politically engineered - legal in form but exclusionary in function. Gibney calls it a denial of “*the right to have rights*.” In Assam, the NRC excluded 1.9 million people—approximately 700,000 to 800,000 reportedly Muslim—many of whom were long-term residents (Bhat, 2024). These individuals face detention, deportation, or indefinite limbo—bureaucratically engineered dispossession.

This is compounded by Foreigners Tribunals (FTs), quasi-judicial bodies tasked with adjudicating citizenship. From 2016 to 2020, they ruled on over 136,000 cases, often without consistent legal standards (Siddique & Ramachandran, 2024). Critics point to arbitrary rulings, low evidentiary thresholds, and an excessive burden of proof on the accused. This reflects a “*punitive gap*”: the disconnect between the severity of outcomes and the weak procedural safeguards—where law becomes persecution.

Before turning to broader state agency, consider how citizens responded: Public resistance emerged swiftly.

Public Resistance and Suppression

The CAA-NRC regime triggered one of India’s largest post-Independence civil protest movements. From December 2019 to March 2020, women, students, and civil society groups led sit-ins nationwide—most notably at Delhi’s Shaheen Bagh—reclaiming the Constitution and national symbols to assert inclusive citizenship (Shivaprasad, 2021).

The state responded with suppression: protest sites were dismantled under the guise of COVID-19 pandemic controls, dissenters arrested under stringent laws like the Unlawful Activities (Prevention) Act (UAPA), and vilification of protestors in media discourse. Peaceful dissent against exclusion was thus criminalized, revealing how legal exclusion under CAA-NRC was paired with authoritarian political repression.

Meanwhile, judicial inaction deepens the crises. Over 230 petitions—including one by the IUML—challenging the CAA under Articles 14 and 15 have languished since 2019. The Court’s silence, compounded by political pressure (Siddique & Ramachandran, 2024) and a backlog of 80,000 cases (Supreme Court of India, 2024)—has created a legal vacuum.

In sum, the CAA-NRC framework institutionalizes statelessness through overlapping regime of religious and documentary exclusion. Paired with administrative repression and judicial inertia, a constitutional breakdown has escalated into a humanitarian catastrophe.

VI. Comparative Perspective

India’s CAA-NRC regime, while distinct in its explicit use of religion, reflects a broader global pattern of bureaucratic exclusion and statelessness. Comparative cases reveal perils of such frameworks - and the possibility of redress.

The Windrush scandal in the UK offers a cautionary tale. In 2018, around 50,000 long-term Caribbean residents were detained, sacked, or deported under the “hostile environment” policy due to missing documents (Gentleman, 2019). Like Assam’s NRC, which excluded 1.9 million people based on a 1971 cut-off, Windrush weaponized bureaucratic opacity to deny belonging (Wardle & Obermuller, 2019). But unlike India, the UK acknowledged the error, issued apologies, offered compensation, and enacted institutional reforms (Home Office, 2020).

A more chilling parallel is Myanmar’s exclusion of the Rohingya. The 1982 Citizenship Law stripped them of nationality, labelling them as “Bengali” outsiders—a narrative mirrored in India’s depiction of undocumented Muslims as “infiltrators.” This legal framing enabled mass exclusion and genocidal violence. As of 2025, over 960,000 Rohingya remain in Bangladeshi refugee camps (UNICEF, 2025), with 730,000 forcibly displaced in 2017

military crackdown (Human Rights Watch, 2024). As in India, bureaucratic thresholds became tools of legal erasure (Ibrahim, 2018).

In post-Soviet states, Estonia and Latvia enacted restrictive citizenship laws post-independence, disenfranchising large ethnic Russian populations. Mandatory language and civic tests rendered many stateless or classified as “non-citizens.” This ethnolinguistic filtering mirrors India’s religious filtering under CAA. In both cases, majority identities are privileged, while exclusion is institutionalized through procedural barriers (Muiznieks et al., 2016).

These global analogues affirm the essay’s core argument: the CAA-NRC is not an isolated aberration, but part of a global trend toward documentation-driven exclusion. In the absence of legal safeguards and institutional accountability, such regimes risk normalizing discrimination and democratic erosion.

VII. Policy Alternatives

To restore India’s secular and inclusive citizenship ethos, the CAA-NRC framework must be dismantled and replaced with a rights-based, non-discriminatory regime consistent with constitutional and international norms. A multi-pronged strategy—combining legislative reform, administrative clarity, global treaty commitments, and judicial intervention—is essential.

1. Repeal the CAA and Abandon NRC Expansion

Repealing the CAA is critical. Despite its humanitarian claims, the law’s religious exclusions violate Article 14 and India’s secular Constitution. A universal asylum regime for all persecuted groups—regardless of religion or origin—would better reflect constitutional values. As Amnesty International (2024) states, the CAA “undermines the Indian Constitution’s secular promise.”

The NRC’s nationwide rollout should also be halted. The Assam NRC excluded 1.9 million people—mostly Muslims (Lok Sabha, 2021)—revealing the discriminatory impact of legacy documentation requirements. National expansion would deepen legal precarity and social division, outweighing administrative gains.

2. Revive Jus Soli and Reform Naturalization

India must reaffirm a *jus soli* approach—granting citizenship by birth on Indian soil, subject to minimal exceptions – restoring a civic basis for inclusion. Naturalization must become transparent, time-bound, and accessible to all long-term residents, irrespective of religion.

Legal reforms must also address gender and class-based exclusions in documentation.

Women and marginalized groups often lack property deeds or birth certificates. Presumptive citizenship, multiple proof options, and procedural flexibility are vital to ensure substantive equality.

3. Ratify Statelessness Conventions and Enact Legal Safeguards

India must ratify the 1954 and 1961 Statelessness Conventions, providing international legal grounding for protecting the stateless. The estimated ₹500 crore implementation cost is minor compared to the human toll of statelessness (UNHCR, 2021).

India must also codify a domestic legal definition of statelessness and establish review and remedy mechanisms. As Siddique and Ramachandran (2024) argue, procedural opacity in Assam’s Foreigners Tribunals creates a “*punitive gap*”—where life-altering decisions lack basic legal safeguards.

4. Activate Judicial Review and Strategic Litigation

Reviving judicial scrutiny of the CAA is essential. Over 230 petitions—including from IUML and state governments—argue it violates Articles 14, 15, and the Preamble. Yet the Supreme Court’s prolonged inaction has enabled implementation without constitutional review.

Strategic litigation should now focus on procedural fairness, particularly arbitrary exclusion standards and lived consequences of detentions. Courts must embrace doctrines of substantive equality and indirect discrimination, to expand the constitutional protection.

5. Feasibility and Trade-offs

Repealing the CAA previously faced stiff political resistance, due to the BJP commanding majority - 303 seats on its own and 353 seats with National Democratic Alliance (NDA) in the 17th Lok Sabha (2019-2024), far exceeding the 272- seats majority mark. This dominance left little room for opposition. However, the 2024 General Elections reshaped the balance: the BJP's tally fell to 240, and the NDA's to 293—just 19 seats above the threshold. Crucially, the BJP now depends on secular allies like the Telugu Desam Party and Janata Dal United, creating room for negotiation. The opposition INDIA bloc, with 234 seats, is better positioned to influence legislative outcomes by leveraging these swing partners (Election Commission of India, 2024). In this fragmented mandate, bipartisan consensus and civil society pressure could play pivotal roles in legislative rollback.

While *jus soli* reform raises concerns over migration, these can be mitigated through parental residency checks. Abandoning the NRC avoids Assam's ₹1,600 crore documentation burden and helps rebuild trust with minorities. Ratification of international conventions aligns with India's international obligations and global democratic standing. These steps reinforce India's pluralistic identity and international credibility.

VIII. Conclusions

The CAA-NRC framework represents a form of *religious bureaucratic closure* that threatens India's pluralistic and constitutional legacy. By combining the CAA's religious selectivity with the NRC's stringent documentation burdens, the state has institutionalized a discriminatory citizenship regime. Muslims—regardless of nativity or ancestry—face heightened risks of exclusion, statelessness, and detention.

This essay has argued that the CAA-NRC project signifies not merely a policy shift, but an ideological redefinition of Indian citizenship. Drawing on Brubaker's "social closure" and Joppke's "instrumental turn," it situates India within a broader trend of ethno-nationalist exclusion. Yet, India's case is exceptional: a secular constitutional democracy that has legally codified religion into citizenship regime—rare among modern democracies.

Comparative examples—Windrush in the UK, post-Soviet disenfranchisement, and the Rohingya crisis—demonstrate how bureaucratic exclusion can escalate into systemic

discrimination and humanitarian breakdown. Without corrective action, India risks a similar descent, eroding foundational principles of secularism, equality, and dignity.

Reform is urgent. The CAA should be repealed, NRC expansion abandoned, and a jus soli-based regime reinstated. India must ratify the 1954 and 1961 Statelessness Conventions and adopt robust safeguards for the stateless and marginalized.

The judiciary's role is pivotal. By adjudicating the long-pending constitutional challenges to the CAA, the Supreme Court can reaffirm the secular spirit of Articles 14 and 15 and reassert constitutional guardrails against majoritarianism.

India has long claimed moral leadership among postcolonial democracies—as a refuge for the displaced and a beacon of inclusive nationhood. To preserve that legacy, citizenship must be reimagined not as a gatekeeping device but as a democratic ideal rooted in equality, secularism, and human dignity.

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