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ABSTRACT

This research paper critically reviews Anupama Roy's Citizenship Regimes, Law, and Belonging: The CAA and the NRC and examines the changing relationship between citizenship, law, belonging, and constitutionalism in contemporary India. The paper evaluates Roy's concept of "citizenship regimes" and its application to the National Register of Citizens (NRC), the Citizenship Amendment Act (CAA) 2019, the experience of returnees following the 2015 India-Bangladesh Land Boundary Agreement, and the anti-CAA/NRC protests. It highlights how citizenship extends beyond formal legal status and is shaped by documentation, administrative practices, political narratives, territorial membership, and lived experiences of inclusion and exclusion. The review also critically assesses the strengths and limitations of Roy's approach, particularly its treatment of constitutional equality, secularism, implementation practices, competing arguments concerning the CAA, and the diversity of protest movements. In light of the Citizenship (Amendment) Rules, 2024 and the continuing constitutional scrutiny of the CAA, the paper argues that Roy's framework remains useful for understanding citizenship as an interaction between legal rules, institutions, democratic participation, and social belonging. At the same time, a balanced legal analysis requires greater attention to administrative implementation and competing constitutional interpretations.

KEYWORDS

Citizenship, CAA 2019, NRC, Constitutionalism, Belonging, Secularism, Documentary Citizenship

INTRODUCTION AND CONTEXTUAL BACKGROUND

The concept of citizenship is usually taken at face value. A person's status is either that of a citizen or that of a non-citizen, and law provides the conditions of acquiring, maintaining or losing that status. Anupama Roy's *Citizenship Regimes, Law, and Belonging: The CAA and the NRC* complicates this simplified view of citizenship.

According to Roy, the production of citizenship involves institutions, paperwork, political discourses and conflicting interpretations of

identification.

She thus conceptualizes the law of citizenship as functioning within a larger political and social process, rather than being isolated statutory provisions. Published in 2022, the book has special importance due to its focus on two of the most contentious recent episodes in Indian politics on citizenship: the NRC and the CAA. Roy locates these within a broader history of amendments to the Citizenship Act, 1955, identifying different regimes of belonging that emerge from shifting legal and political rationalities. Her central thesis is that Indian citizenship has evolved in three phases from a focus on *jus soli* towards a heavier reliance on *jus sanguinis*, without completely abandoning constitutionalist and secular notions of belonging.

The book makes an important contribution to scholarship because the NRC and CAA far exceed questions of migration or victimization.

They are debates about constitutional ideals of equality and secularism, knowledge regimes and the role of documentation, as well as the relationship between the law and citizenship in practice. The review contends that Roy's most important insights are that an understanding of citizenship as legal entitlement is incomplete without an analysis of it as social/ political relationships. However, the authors interpretive approach is more convincing in the realm of norms than it is in the realm of legalities.

CENTRAL THESIS AND INTELLECTUAL FRAMEWORK

Roy's principal tool of analysis is the concept of "citizenship regimes." Rather than taking Indian citizenship law as one monolithic continuum, she breaks it down into various regimes created by successive legislative and political regimes. The introduction begins with the constitutional moment of transformation invoked by the Citizenship Act 1955, continues with the Assam exceptional regime established through the 1985 amendment, and ends with the documentary orientated regimes to which the 2003 amendment and the National Register of Indian Citizens belong. An investigation of the present involves the NRC and CAA.

This approach is useful because it prevents the reader from perceiving the CAA as an event situated in a chronological moment of the legislative history. The book challenges the reader to see it as a product of older legal categories and administrative practices, which has set the stage for newer ones. Roy's thinking is not just concerned with the validity or relevance of this or that law; she asks how this particular law creates a certain kind of political community.

The book also highlights the distinction between formal citizenship and the actual experience of belonging.

The 2015 India-Bangladesh Land Boundary Agreement and the returnees to the enclave are two examples where legal citizenship has been assured, while actual recognition or loss of belonging remains far from settled. For this reason, the book is truly interdisciplinary: legal provisions are valued but they are contextualized along political history and contemporary fieldwork, along constitutional thinking, along institutional practices and along lived realities. The chapters of the book follow this integrative approach. They open with the NRC in Assam, proceed to the CAA 2019 and then explore the enclave exchange and the returnees' experiences, before concluding with the anti-CAA/NRC protests and the conception of the constitutional ethic.

THEMATIC OVERVIEW AND DEVELOPMENT OF THE ARGUMENT

The first, more empirical chapter, *Hyphenated Citizenship: The National Register of Citizens*, explores the institutional, juridical and documentary practices forming the background to the compilation of the NRC in Assam. It is useful as it foregrounds documentation in the experience of citizenship, for the question raised is not simply whether a person identify as Indian but whether the person can claim it through accepted documentary practices. Roy here illustrates how documentary citizenship makes citizenship a matter of substantiating one's claim to belonging.

In the second chapter, *"Bounded Citizenship: The Citizenship Amendment Act 2019"*, the focus shifts to the issue of the legislative and constitutional controversy around the CAA. Roy looks at the CAA with respect to legislative competence, parliamentary debate, constitutionalism and secularism. The phrase "bounded citizenship" refers to the argument that the concept of citizenship is being defined by ever-expanding boundaries of community, religion and national identity. The chapter frames the legislative controversy in the broader contest about the constitutional definition of India.

The third chapter titled, *"Liminal Citizenship: The 'Returnees' and 'New' Citizens"* (p.119-148) arguably makes the most important empirical contribution in the book. Based on fieldwork carried out in Cooch Behar after the 2015 Land Boundary Agreement (LBA), Roy investigates individuals whose legal status and territorial membership altered as a result of enclave exchange, highlighting how citizenship may be formally conferred but yet continuity in experience of displacement, non-belonging and rupture remains. This can help us realize that legal recognition of citizenship is no guarantee of experiencing social sense of

inclusion.

In the fourth chapter, "Recalling Citizenship: The Constitutional Ethic" Roy looks at the protests against the CAA and NRC from December 2019 to March 2020. He sees these protests not as opposition to a law, but as an effort to reclaim the constitutional concepts of equality and democratic citizenship. The protesters used the Constitution as a political language, to make claims to "belonging" and "participation". From this Roy develops the idea of "dissident citizenship", where citizens participate in democracy through contesting the course by which citizenship is being shaped.

CRITICAL APPRAISAL AND SCHOLARLY ENGAGEMENT

The most brilliant feature of Roy's book is the fresh approach to conception. Instead of focusing on the text of the Citizenship Act, the validity of CAA or functioning of NRC, Roy probes into 'what happens when law is conceived as a device that makes categories of belonging'. By doing this, her book proves to be more ambitious than a doctrinal commentary as it related legal changes to political justification and social implications.

The concept of citizenship regimes is so valuable because Indian citizenship law has not been linear. Initially the Constitution presented a broad challenge to alienage which was then followed by two amendments-one making the Assam residency rule more inclusive, the other emphasizing documentary control. As is clear from Roy's schema, the reader may recognize these as various stages in the dynamic relationships of state and territory and citizen.

Another significant advantage of this analysis is the consideration of documentation. Abstractly, documentary demands are not biased: every individual must prove who she or he is to be identified as a citizen; however, in reality the means and opportunity to do so are often inequitable. Many have migrated, moved, had records destroyed, encountered bureaucratic failure, or have not had access to documents due to poverty or longterm exclusion. Roy's argument of documentary citizenship therefore begs the question; when does the exercise of holding proof of belonging become a burden and not an equal right?

The way the book deals with the 2015 enclave exchange further supports this argument by using it to go beyond the CAA-NRC debate. The fieldwork demonstrates that citizenship is felt through everyday life. It is possible for people to gain formal citizenship and to live multiple fragmented histories of home, territory and identity. It is a powerful correction to doctrinal legal studies because it attests that the effects of

the legal rules are ultimately experienced by individuals and groups.

Another aspect of strength, is the engagement with constitutionalism. Roy is not prescriptive in her approach to the Constitution, as a document to be passively interpreted by courts. Instead she considers the Constitution as a political language, utilized by the common people.

In the final chapter, Roy redefines constitutional citizenship in the context of protest as saying "recalling citizenship".

The "state-claimed" so to speak- Constitution is also a "people-claimed" paradigm.

The book certainly has its shortcomings. First, its interpretation feels somewhat forced for a particular view of Indian citizenship trajectory. Territoriality too, with migration, refugees and border control as well as state's administrative powers, are interesting topics on their own right and have played role in shaping citizenship law that is shifting away from *jus soli*. This would have been made clearer with more expansive discussion on why state regulates irregular migration and how citizenship and immigration status differ from refugee status.

YAHA SE HUMANISE KARNA HAI Second, the book's strong emphasis on ideological and constitutional dimensions sometimes leaves the administrative question less developed. Laws operate through officials, forms, databases, verification procedures and appellate mechanisms. The documentary state can produce both exclusion and administrative uncertainty even without an explicit ideological intention. More detailed engagement with implementation practices could have strengthened the argument by showing precisely where legal rules become unequal or exclusionary in practice.

Third, the book could have engaged more extensively with competing constitutional arguments supporting the CAA. Critics of the Act have raised serious concerns about religious classification and secularism, but the government's stated position has been that the law provides a specific route to citizenship for persecuted minorities from Afghanistan, Bangladesh and Pakistan. A critical review should not assume that the constitutional question is settled merely because the Act is controversial. The strongest version of the opposing argument is that Parliament may make classifications if they have a rational connection with the legislative objective and that the CAA concerns naturalisation of non-citizens rather than withdrawal of citizenship from existing citizens. Roy's analysis is more convincing when it exposes the broader implications of classification than when it appears to treat the normative conclusion as self-evident.

This point is particularly important in the context of Article 14. The constitutional question is not simply whether religion appears in the law, but whether the classification satisfies constitutional standards of equality and whether the legislative objective and classification bear a constitutionally acceptable relationship. The Supreme Court's equality jurisprudence has developed beyond a purely formal conception of classification, while the constitutional commitment to secularism has also been treated as fundamental. The CAA therefore presents a genuine constitutional tension rather than a question that can be resolved by political preference alone.⁹

Roy's treatment of the protests also deserves both appreciation and qualification. Her concept of dissident citizenship is intellectually stimulating because it recognises protest as a form of democratic participation. Nevertheless, a scholarly analysis should also consider the internal diversity of the protest movement and the possibility that different participants attached different meanings to citizenship, secularism and national identity. The protest movement was not necessarily a single constitutional voice. Recognising this diversity would make the concept of dissident citizenship even more robust.

The book's empirical chapter is also geographically limited. Its fieldwork in Cooch Behar provides depth, but experiences in one border region cannot automatically represent the experience of citizenship throughout India. The same legal provision may operate differently across Assam, West Bengal, Tripura, Delhi or other regions because of different histories, languages, migration patterns and administrative practices. This is a limitation of scope rather than a weakness in the fieldwork itself.

ENGAGEMENT WITH EXTERNAL SCHOLARSHIP AND CONTEMPORARY DEVELOPMENTS

Later work generally supports that the CAA raises serious constitutional and secularism issues. Narender Nagarwal's constitutional and human rights analysis demonstrates that the CAA must be analysed in terms of India's constitutional values and minority rights regime. Later work have also scrutinized the CAA against constitutional mores. This literature reinforce Roy's choice to distinguish citizenship with regards to immigration policy from constitutional issues as well as evidences plurality of competing legal interpretations.

The legal position has also changed since the book was published. On 11 March 2024 the Ministry of Home Affairs notified the Citizenship (Amendment) Rules, 2024 allowing for applications to be made under the CAA. The Official Citizenship website notes that 'applications under the amended framework are made under section 6B of the Citizenship

Act' and notes the categories of applicants. This development brings Roy's analysis up-to-date because the framework that was discussed mostly at legislative level in 2022, was finally implemented.

The constitutional challenge, too, has remained relevant and persistent. In February 2026, the Supreme Court announced final hearings on a set of petitions challenging the constitutionality of the CAA and associated rules, leading to a separate hearing for the Assam-Tripura cases, for that year. Finally, the fact that judicial examination remains relevant indicates that Roy's decision to read questions of citizenship through the triangle of law, constitutionalism and political contestation is still significant.

Another significant external constitutional reference is *S.R. Bommai v. Union of India*, in which the Supreme Court accepted secularism as a basic feature of the Constitution, and therefore as something that must be protected by the Constitution.

While the decision does not hold the validity of the CAA directly, it establishes an important constitutional background for analysing legislation that takes religious identity into account.

Constitutional analysis must therefore continue to distinguish between a valid legislative classification, and one that violates the constitutionally entrenched principle of equal citizenship.

OVERALL SCHOLARLY CONTRIBUTION, STRENGTHS AND LIMITATIONS

The book has three important contributions. One, the book conceptualizes citizenship regimes as a valuable analytical tool for examining the evolution of India's citizenship law. Two, it links doctrinal issues with realities of documentation, territory and belonging. Three, it interprets constitutionalism as something that citizens can lay claim to through democratic practice rather than something limited to courts and legislatures.

The readership extends beyond students of citizenship law. Constitutional lawyers, political scientists, human rights scholars, those interested in public policy and students of Indian politics will all find it useful. Law students in particular will find it instructive in the manner in which it approaches a legal issue (doctrinal, historical, empirical and normative approaches).

The book has some limitations, especially regarding balance and coverage. It could dive deeper into how the CAA is implemented, explore counter-arguments, compare citizenship models, and explain verification processes better. However, these shortcomings still highlight

valuable areas for further research.

CONCLUSION

"Citizenship Regimes, Law and Belonging" is a very important text for Indian citizenship as it exceeds the question of who is legally a citizen. By seeking to understand how laws inform the idea of belonging and people's reactions to their challenge, Roy's contributions on the NRC, the CAA, the change of territorial enclaves and the protests surrounding it, is indicative of how citizenship is about a lot more than the law.

What is also powerful about this book is its unwillingness to normalize the law as being neutral or society as simply responding to law. It demonstrates that citizenship is the result of the conversation between law, institutions, ideas, and social forces, and provides a powerful perspective on contemporary India. It would have been stronger if it had also dealt with conflicts within the state, the practical constraints of administration, and the best legal arguments in favor of the CAA.

While Roy's work does not resolve the debates on the CAA and NRC, it does ask readers to contemplate the notion of citizenship in a democratic setting. Its lessons remain relevant with the CAA's implementation rules coming into effect in 2024, and with discussions of equality, nationhood, migration and belonging being addressed in Indian law.

ENDNOTES

1. Anupama Roy, *Citizenship Regimes, Law, and Belonging: The CAA and the NRC* 1-32 (Oxford University Press, New Delhi, 2022).
2. *Id.* at 1-32; see also Anupama Roy, "Introduction: Citizenship, Law, and Belonging," in *Citizenship Regimes, Law, and Belonging: The CAA and the NRC* (Oxford University Press, New Delhi, 2022).
3. Anupama Roy, "Liminal Citizenship: The 'Returnees' and 'New' Citizens," in *Citizenship Regimes, Law, and Belonging: The CAA and the NRC* 163-202 (Oxford University Press, New Delhi, 2022).
4. Anupama Roy, *Citizenship Regimes, Law, and Belonging: The CAA and the NRC* 33-250 (Oxford University Press, New Delhi, 2022).
5. Anupama Roy, "Hyphenated Citizenship: The National Register of Citizens," in *Citizenship Regimes, Law, and Belonging: The*

CAA and the NRC 33–82 (Oxford University Press, New Delhi, 2022).

6. Anupama Roy, “Bounded Citizenship: The Citizenship Amendment Act 2019,” in *Citizenship Regimes, Law, and Belonging: The CAA and the NRC* 83–162 (Oxford University Press, New Delhi, 2022).
7. Roy, *supra* note 3, at 163–202.
8. Anupama Roy, “Recalling Citizenship: The Constitutional Ethic,” in *Citizenship Regimes, Law, and Belonging: The CAA and the NRC* 203–242 (Oxford University Press, New Delhi, 2022).
9. *S.R. Bommai v. Union of India*, (1994) 3 SCC 1; see also *Ram Krishna Dalmia v. Justice S.R. Tendolkar*, AIR 1958 SC 538.
10. Narender Nagarwal, “The Citizenship Amendment Act 2019: An Insight through Constitutional and Secularism Perspective,” 57 *Journal of Asian and African Studies* 1 (2022); Shilpa Jain, Ankit Srivastava & Aditi Richa Tiwary, “Revisiting India’s Amended Citizenship Act 2019 in Light of Constitutional Ethos,” 9(2) *Lentera Hukum* 303 (2022).
11. Ministry of Home Affairs, Government of India, “The Citizenship (Amendment) Rules, 2024,” notified 11 March 2024; Indian Citizenship Online, “Citizenship Amendment Act (CAA): Frequently Asked Questions.”
12. *Indian Union of Muslim League v. Union of India*, W.P. (C) No. 1470 of 2019 and connected matters, order dated 19 February 2026 (case-management order fixing final hearing).
13. *S.R. Bommai v. Union of India*, (1994) 3 SCC 1.