

## **Citizenship Amendment Bill (now an Act): Protecting persecuted minorities**

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What is CAA,2019?

The CAA or the Citizenship Amendment Act, 2019 is the law shall henceforth decide who all shall be included as a citizen of India.

The National Register of Citizens (NRC) which the government is trying to finalize not recently but a problem that started in 1970s necessitates the Citizenship Amendment Act. Because, recognition of citizenship will help a person receive the various subsidies welfare schemes and other rights and securities guaranteed and granted by the government of India.

THE POINTS THAT WE NEED TO KEEP IN MIND WHILE DEALING WITH THE ISSUE ARE THAT:

1. India has 8 immediate neighbors. we share land boundary with 7 of them and maritime with one (Sri Lanka).
2. Today's India, historically was never a land of homogenous people. India is a country that was unified through many promises, ranging from exchange of territories to guarantees of rights and even sovereignty and autonomy in certain aspects (Federalism).
3. The Preamble which the people adopted after such unification still reads that India is a Sovereign Socialist Secular Democratic Republic. Meaning, that our fundamentals point towards secularism, even today.
4. The Government of India signed an Accord with the Government of Assam promising them that their demography will not be tampered with and to that effect it was agreed that any person entering the territory of Assam after 1971 shall be treated as a foreigner. This was offered as the solution their immigrant problems and in exchange the Assam movement had to stop all agitations and protests.

5. Inner line permit (ILP), is a govt travel document given to any person who wishes to visit a protected area in India, for a limited time. The protection of Inner line permit is available only for 5 out of the 7 North Eastern states, as on date, thus shielding them from the provisions of the CAA. Assam and Tripura being the 2 states which are not protected as per ILP mentioned under schedule VI of the constitution of India.
6. We have been trying hard to complete the national register of citizens for the past 3 to 4 years. There have been huge inclusion and exclusion errors which have kept the government from completing the register. About 19 lakh people are excluded from the NRC, in Assam alone, and are on the waiting lines to know their fate.
7. These inclusion and exclusion errors were predominantly because of the inability to identify who is to be considered a legal migrant, since many immigrants have lost their "migrant certificate" which was handed to them more than half a century ago.
8. The existing laws relating to citizenship mention 1951 as the limiting year for migrants from foreign lands to be considered as citizens of India. (Except for Assam where the year was agreed upon to be 1971, as per the Accord)

Who are included?

The citizenship Amendment Act specifically mentions who are to be considered as Indian citizens henceforth. Let's divide this answer into 4 parts: 1. Where? 2. Who? 3. Why? 4. When?

1. From where? From the countries of Pakistan, Afghanistan and Bangladesh ONLY.
2. Who from those three countries? Hindus, Christians, Buddhists, Sikhs, Parses and Jains.
3. Why are they included? Because they are **being persecuted on religious grounds.**

3. When? Whoever satisfying the above three conditions, and have entered Indian territory up until the 31st of December 2014.

To summarize, any person who is a Hindu, Christian, Buddhist, Sikh, Parsi or Jain and has migrated to India due to religious persecution, from the countries of Pakistan Afghanistan or Bangladesh , and have entered India territory up until the 31st of December 2014, shall wholesomely and collectively be recognized as citizens of India and all the legal cases against them on account of their immigration will stand abrogated.

Who are excluded?

“expression unius est exclusion alterius” is a legal maxim which means “when one or more things of the same class are expressly mentioned, then others of the same class are excluded”. This Act follows such a construct where they have implied the exclusion of some by selectively including some.

It excludes anyone from the other 5 neighbouring countries (Sri Lanka, Bhutan, Myanmar, Nepal, China) irrespective of their religion.

It excludes the religion of Islam and Judaism. Which impliedly means the exclusion of sects like ahemdiyas, rohingyas and hazaras.

Reading between the lines, the interpretation will indicate that:

1. If Sri Lankan - Hindus, were to be found in India, they will not be considered citizens and be deported back.
2. If Rohingyas from Myanmar, were to be found in India, they too will have to face prosecution and get deported back.
3. Or if a Bhutanese Bhuddists or Christians were to be found living in India, they too would be thrown out.
4. Immigrants who fled their country because of ethnic persecution or linguistic persecution will not be granted citizenship status and will be deported back.

\*To be noted that Indigenous forest tribes of Assam like the Garo, Rabha, Sarania, Hajong, Tripuri, Deo, to name a few, have not been recognised either.

Eelam Tamizhs to the Rohingya crisis have been addressed even by the UN. And yet this Bill turns a blind eye and follows a selective inclusionary policy.

### **Why the protest?**

1. Most protests against the bill is because it violates the basic spirit of our constitution. (our constitution guarantees secularism)
2. The protest in Assam is not particularly based on the inclusion or exclusion of religion. Assam fights because it feels that it's ethnicity and demography are under threat. They have a two-pronged contention against the bill:
  - a. Their Assam Accord is being violated.
  - b. 26 out of 33 districts of Assam are not even protected under the inner line permit like the other north eastern states.

How did the present ruling government manage to pass such a law?

To pass any bill or law that's not a constitutional amendment, all you need is a simple majority of members present and voting.

Lok Sabha MPs = 545

Majority required when all are present = 274 ie,  
50% of total votes + 1 vote.

Ruling part MPs in Lok sabha = 303.

Adding NDA allies it has = 353.

Which is about 65% of total members.

Rajya sabha :

Total seats in Rajya Sabha = 245 Majority  
required = 123  
ie, 50% + 1 vote

Total ruling party MP in Rajya Sabha 83  
Adding NDA alliance it has 103

Local parties like AIADMK, YSRCP, BJD and TDP,  
lent 22 votes to pass the bill.

Hence the bill was passed in both houses and got the Assent of the President to  
call it an ACT.

The ruling government spokesperson claiming that by 2020-21 they are  
confident that they will have 23 more MPs in Rajya Sabha also, spells danger to  
the Constitution itself as such absolute majority will not only enable the govt to  
make arbitrary laws without asking for anyone else's aid but will make it possible  
for them to amend even the Constitution of India on a whim, if they wanted to.  
Should that happen, democracy, as we know it, will cease to exist.

**Conclusion:**

The large protest all across the country is depicting huge rage as it is  
considered to be a blow on the secularism promised to every citizen enshrined in  
the very preamble of our Indian constitution. And citizens are also fearing that  
the same helpless state of Assam, as in all the people of Assam are forced to  
prove their identity of being an Indian citizen in the FOREIGN TRIBUNALS  
where there is a huge number of inclusion and exclusion errors as there is no  
proper registry of citizens is being maintained by the government, will be the  
status of every citizens across the nation. Though the reason stated by the  
government stating that PROTECTING IMMIGRANTS FROM RELIGIOUS  
PERSUCUTION from these three particular countries is half way acceptable.  
Still we need a clear explanation for why these three countries are targeted while

historical act of persecution of Sri Lankan Tamils and Rohingya Muslims are not even considered. Hope the temple of Democracy (Judiciary) will find answers.

