

To Oppose CAA is the Right of People and the Responsibility of Democratic and Progressive Forces

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At last, in the late evening to declare the rules clearly, it took nearly twelve more hours to put forward the rules for enacting the law. It was only clear to the people that only those who have migrated to India before December 31, 2014 from Afghanistan, Pakistan and Bangladesh and belong to the Hindu, Sikh, Jain, Buddhist, Parsi and Christian religious communities will be eligible to apply for Citizenship of India. In the beginning before the rules were published the Home Minister Amit Shah assured people that the application process would be very simple and could be done on-line. At certain premeditated places a few sychophants had started boisterous dances welcoming the announcement before people could comprehend what they were going to face. And it was telecasted in all news channels all over India for the next thirty-six hours. But by the morning when the full text of the rules as well as formats of application for Citizenship under CAA were published gloomy faces took the place of the wild dancers.

Before starting the discussion on CAA let us have a very brief look at the processes of acquiring Citizenship in India enshrined in the Constitution of our country. In India there are four methods to acquire Citizenship:

1. Citizenship by Birth;
2. Citizenship by Descent;
3. Citizenship by Registration; and
4. Citizenship by Naturalisation.

There is another extraordinary method: Citizenship by incorporation of Territory.

The Citizenship Act was amended such that those who have entered India without a valid passport or travel document, or stay beyond the permitted limit were defined as illegal immigrants. Moreover, it was also enacted that in case of descendants, if one of the parents is illegal immigrant the person would not be granted citizenship and the status of the person would be illegal migrant. CPI(ML) was a part and parcel of the protest organised by Bengali refugees. They met the parliamentarians of almost all parties. Most of them remained silent except Brinda Karat of the CPI(M) who personally helped the protesters. Things remained as it was and the BJP Government could not be reelected till 2014. Others did not want to advance with it. Rather they were waiting to see the result of NRC in Assam.

Returning to power in 2014 Modi-Shah government hatched a deeper conspiracy. They understood that if they try to carry out the 2003 amendment their aim ie., large-scale deportation of Muslims or putting them in the concentration camps, would not be possible, since most of such illegal immigrants are Hindus. The experience of NRC in Assam is a proof. They found it to be more prudent to amend Citizenship Act such that their objectives would be fulfilled. It would be done such that Muslims would be left in the lurch. Amit Shah understood the chronology very well! So, after getting a vast majority in the Lok Sabha in 2019 they steam rolled the opposition all hues, Congress, Trinamool Congress, CPI, CPI(M), and all others and got the CAA, 2019 passed. Similar method was adopted to get it passed in the Rajya Sabha.

What is there in the CAA, 2019 in brief? And what is there in the rules? Let us examine them one after another.

According to the CAA, 2019, "Provided that any person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan, who entered India on or before 31st of December, 2014, who has been exempted by the Central Government by or under rule (c) of sub-section (2) of section 3 of the Passport (Entry into India) Act, 1920 or from application of the provisions of Foreigners Act, 1946 or any rule or order made there under, shall not be treated as illegal migrant for the purpose of this Act"....

"The Central Government ...on application made... grant a certificate of registration or certificate of naturalisation to a person ...from the date of his entry".

The first thing to be noted is that nowhere the amendment states that the persons had entered India due to religious persecution. But the leaders of the ruling party as well as their subservient media is propagating that this religiously biased amendment is meant for neutralising that pain of persecution. A damn lie!

Next comes the question that, to make personal religious beliefs conditional to grant citizenship is a blatant attack on the principle of secularism in India, which all Indians sans a very small minority are proud to be.

Third question arises on what would be the principles adopted for granting citizenship to those migrants who have entered India from countries other than those specified countries? What (religious category or the period of residing in India) would be the conditions to be fulfilled by the migrants from Sri Lanka, Nepal, Myanmar? Why such a differential treatment among the neighbouring countries had been taken up by the BJP Government? The Central government cannot give any satisfactory reply!

What would be the policy towards the Muslim migrants? Will they be declared "illegal migrants" and deported or put into detention camps? Would Amit Shah's "chronology" lead the Muslims to such situation? It seems that the objective of this Act is to keep the migrant Muslims out of all rights of citizens and wither them out of life?

According to CAA, the migrants will have to declare that they are not citizens of India and apply for registration/naturalisation as the case may be, even if they have voter cards, ration cards, aadhar cards, school certificates in possession. It means they shall have to relinquish their rights already earned till their applications are processed and they are granted citizenship from the date of their entrance. Till then they will not be allowed to vote, to draw rations, to carry on transactions on their bank accounts. At least such would be the principled legal position.

Now let us point out the troubles the applicants would face while filling up the forms. Narendra Modi, Amit Shah and the BJP leaders have been assuring that this is not an Act to deprive anyone from citizenship, but to grant citizenship by filling up a simple form online and after examination by an empowered body in the district the process will be completed. It is a propaganda without any truth in it!

Main body of the form is simple, but certain supporting documents like certificate by a chief of the local institution of the religion the applicant declared, and certificate of an Indian citizen, are required. But the trouble is that they have to attach two more documents as Schedule 1A and Schedule 1B.

In the former schedule 1A, they have to provide document as proof of the country from which they came from. The document is either of record of land they possessed, passport of the country they have come from, identity card provided by the concerned government, school certificate, etc. Any one of them must be provided. Though it is not in the body of amended act, the BJP leaders are propagating these people have fled their country due to religious persecution. This is a communal propaganda, but true in some rare cases. In this schedule 1B, they are asked to provide documents like voter card, aadhar, school certificate, any letter from the government with official seal in the name of the applicant etc. Question arises if the person is not yet a citizen of India how could he acquire the voter card which is provided by the Election Commission of India, a Constitutional body, to the citizens of India. The Modi led BJP Government has lost all proportion to dishonour the Constitutional bodies.

Essentially this is a grave conspiracy to undermine the secular ethos to advance the communal goal of the BJP. The CAA 2019 is a communally oriented act targeting the minority Muslims. At the same time, it is directed against the neighbouring Muslim countries to create national chauvinism based on religious sectarianism. If the Modi government had been really concerned about the plight of the people who had to leave their home and hearth to enter India, it would not overlook the Tamils who had to leave Sri Lanka and enter India. It would have thought about the poor Nepali people living in Assam, the second biggest community to lose citizenship during NRC in Assam. The Modi Government is using the plight and distress of the refugees who had to enter India for various reasons as pawns. All democratic forces should unmask the communal and chauvinistic conspiracy hatched by the Modi-Shah led BJP Government to fulfill its fascist objectives.