

Citizenship Amendment Bill | Hollow arguments and farcical allegations

Abhinav Prakash Singh, 13th December 2019

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Most of the reasons raised by those opposing the CAB are futile, even misleading. However, the concerns raised from the Northeast are real and must be redressed in a proactive manner.

The argument that the Bill is discriminatory against Muslims is a hollow one and fits well in the usual political rhetoric of Indian politics where even India-US nuclear deal was termed as anti-Muslim! First, the Bill has nothing to do with the Indian citizens, including Muslims. It simply aims to facilitate the citizenship process for the religious minorities from three specific countries where Muslims are in the overwhelming majority. Second, illegal Muslim immigrants from these countries are economic immigrants who could be granted work-permits instead of citizenship. Third, Muslims from these three countries can still apply for Indian citizenship, but will be governed by the standard laws and procedures. Unlike the misinformation being spread, the CAB doesn't have any provisions for jail or deportation of the illegal Muslim immigrants. It only deals with the non-Muslim immigrants from three specific Islamic countries.

The allegations of the Bill violating the Article 14 is also farcical. Article 14 doesn't automatically supersede other articles of the Constitution as there are always reasonable exemptions, else various special provisions for the minorities under Article 26-30 would also become void.

Also, equality before the law doesn't mean treating everyone similar irrespective of the context. Instead, it means equals would be treated equally, whilst un-equals would have to be treated unequally. It provides for special treatment to persons in

different situations, such as the religious minorities in the three Islamic countries who are oppressed legally and not just politically or socially.

Questions have also been raised as to why the Muslim sub-sects such as Ahmadiis or the ethnic groups such as Hazaras or Baluch have been excluded? It is because the Bill takes into account the religious minorities and not ethnic minorities and India doesn't consider Ahmadiis as non-Muslims. Also, it is not for the Indian law to wade into the theological or sectarian disputes within Islam in a neighbouring Islamic country.

Then why exclude Tamils refugees from Sri Lanka or Rohingyas from Myanmar? Why not include Nepal and China in the list of the states too? Or why not have a generic policy promising faster citizenship to all those fleeing religious persecution from any part of the world?

The answer is the State capacity and resource constraint to expanding the scope of the policy to include all possibilities. Second, a single act doesn't need to address all the problems. It doesn't become discriminatory or unconstitutional because of its limited scope. Third. Tamil refugees from Sri Lanka aren't looking for Indian citizenship but autonomy and security in northern Sri Lanka where the situation has been fast improving on the ground. Similarly, Rohingyas can continue to remain as refugees until the situation in their home regions improves. Providing citizenship to Rohingyas is neither needed at this stage nor desirable given the serious security concerns raised regarding the radicalisation and involvement in terror activities within India, such as the attack on Bodh Gaya in Bihar.

It is the second objection regarding the demographics of the Northeastern states that has real merit. Arunachal Pradesh, Nagaland and Mizoram are kept out and Manipur is protected via the Inner Line Permit (ILP). The sixth schedule areas in Assam, Meghalaya and Tripura are also kept out of the ambit of the provision of the

Bill. However, given the massive influx of the immigrants in the past, the concerns of the citizens, especially in Assam are valid.

The solution perhaps lies in distributing the new citizens across the country in different cities and towns as was done with the Tibetans or the refugees during Partition. Proactive redress of the fears and concerns of the Northeast will go a long way in creating a broad consensus on absorbing the new citizens of the republic.

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