

CAA AND THE DANGER FACING INDIA'S MUSLIM COMMUNITY

Abdul Waheed Parry



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 Analysis

Prologue

The Citizenship Amendment Bill (CAB), currently called as the Citizenship Amendment Act (CAA) 2019 is a modification to India's Citizenship Act in 1955, under which a person would be granted citizenship in four ways, namely (i) by birth; (ii) by descent; (iii) by registration; and (iv) by naturalization. The CAA has modified the provisions and procedure of this earlier act related to the granting of citizenship by naturalization. Prior to the enactment of the CAA, any legal migrant who was residing in India for an aggregate period of at least 12 years from the date of application became eligible to be considered and granted with Indian citizenship. Pertinently, this eligibility was in no manner linked to the religion of the migrant in question. Today something new is happening in regards to whom India would take under her wings. The reasoning employed (by the current regime/

government in India) for the enactment of the CAA is that it would ease the grant of Indian citizenship for undocumented immigrants; but with the enumerative exception of Muslims. It is further reasoned (by the regime) that this controversial Citizenship Amendment Bill (CAB) will fast-track citizenship for (deemed as persecuted) religious minorities, including Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from countries such as Afghanistan, Bangladesh and Pakistan. While some sees this move as a surprised, history shows that actually this is not the first time such things happened in India.

In 1985, Then Indian Prime minister Rajeev Gandhi announced the Assam accord, where according to this accord those who entered Assam before January 1966 would be regarded as Indian citizens. However when the Hindu nationalist party Bhartiya Janata Party (BJP)



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came to power in 2014 with full majority, they promised the people of Northeast India that the Hindu Nationalist government would implement the National Registration of citizens with full vigor, presuming that only Muslims will be left in this registration and lose their identity. They started the process but in the end, they found a lot of Hindu immigrants along with their Muslims counterparts could not prove their citizenship. This emerging fact surprised India's Hindu Nationalists as they thought only Muslims would be left stateless but it turned out that "their own people" were affected just the same. To exclude Muslims from obtaining their citizenships, the government then felt the need to produce a new law that is now called the "Citizenship Amendment Act".

The Hindu Nationalist government, in particular the extreme right wing Bharatiya Janata Party (BJP), said the bill seeks to protect religious minorities who fled persecution in their home countries. This claim falls short as BJP has a totally different approach towards the religious minority of Myanmar who fled persecution in their home country, on the basis of their religion. CAA is considered as the most dangerous piece of legislation because it amounts to destroy the very character of the Indian state and the constitution. The minorities who have entered India before 2014 (not after) would be granted citizenship. Therefore it is clear that the purpose of producing this law was not to help prosecuted minorities from neighboring countries but to create hatred against Muslims in the minds of their Hindu citizens. This law has been introduced in same fashion as President Trump when he introduced the "Muslim Ban" law.

Since a lot of Hindus in Assam also lost their citizenship because they could not meet the requirements and conditions prescribed by the government, the Indian government brought CAA to grant citizenship to Hindu observers who could not prove their citizenship. This paves the way for ease for other people than Muslims to obtain their citizenships.

The other side of the story

The other dimension of this issue has a historical background. On the event of the partition of India, a lot of ethnic Hindu Bengali crossed East Pakistan and settled in different parts of Northeast India. The local population did not welcome the new inhabitants being afraid of losing their dominance in the region. They also thought it would affect the resource share in the region. Therefore in 1951, under immense pressure from the native people, the Indian government decided to bring the National Registration of citizens but it could not be implemented properly.

In 1971, a civil war broke in East Pakistan. India was involved directly in helping the rebellious population of East Pakistan, now known as Bangladesh. India facilitated a lot of people from Bangladesh who belonged to different ethnic and religious backgrounds and had migrated to Northeast India. The majority of these immigrants were Bengali. Anti immigrant sentiment grew strongly in the region. The native people started to protest against the newly arriving immigrants; the student movements particularly played a major role in growing the hatred against the immigrants in the hearts and minds of the local population.

Downhill from here for Muslims

Since 2014 when BJP came to office, India's Muslim minority has been facing many hardships relating to their existence as equal citizens. The dream of Hindu-Rashtra (an exclusive Hindu State) and the subsequent attempts of the homogenization or annihilation of identities towards achieving this goal is what largely influenced the country's recent politics, driven by the currently ruling right-wing government. The kind of cultural genocide extended specifically to a large Muslim population explains the Islamophobic nature behind this enactment. This act is preceded with a series of dreadful instances of Islamophobia. Mob lynching for instance - where a number of Muslims were



killed by angry mobs on a mere suspicion of carrying or eating beef has happened numerous times. The intrusion into Muslim religious matters also took place. Just to name a few, it happened in terms with the recent legislation on the issues like the triple talaq (divorce law) or the recent Babri Masjid verdict. The Supreme Court of India granted the ownership of the land where Babri Masjid stood at Ayodhya, in the Indian state of Uttar Pradesh, in favor of the majority Hindu population and justified the construction of a Hindu temple on the land belonging to the Mosque; not to mention the abrogation of article 370 and 35(A) which gave the special autonomous status to the only Muslim majority state of disputed Jammu and Kashmir. All these constitutional arrangements are islamophobic in nature as it is evident in the definition and rationale provided by the government. Today the news will summarize the sad fact that the recent amendments are directly affecting India's Muslim population and are hugely influenced by Islamophobia.

The UN High Commissioner for Human Rights has criticized the bill for being “fundamentally discriminatory” while the US federal Commission for International Religious Freedom has called for sanctions against India's Home Minister and other government officials for “creating a religious test for Indian citizenship that would strip citizenship from millions of Muslims”.

How does CAA work?

The Muslims will be excluded from CAA, if the Muslims could not show the documents,

their citizenship would be scraped in one go. The government officials are asking people for legacy documents to prove their citizenship. They need to prove that they have been living in India since their forefather's time. The process has made it very difficult for Indians to provide the required documents to prove their citizenship. What's ironic is that if, 'he or she is Hindu or belongs to any other non Muslim religion, that person will get citizenship under CAA easily, if he or she is Muslim and could not show the required documents, the same law decides that their citizenship would be scraped.'

Epilogue

This law is highly discriminatory in nature since it differentiates citizens of India on the ground of religion. If someone belongs to a particular religion especially 'Islam' their citizenship would be under danger, they would not only lose their basic human rights, but there is also the possibility for them to be sent to detention centers built especially for those who could not prove their citizenship where they would live in inhumane conditions.

This law reflects the Islamophobic and fascist tendency of India's Hindu Nationalist government. The international community should demand India to reverse this discriminatory law, otherwise millions of people would be stateless instantly and it would be a disaster in itself for the Muslim minority in India.