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Citizenship Amendment Act, 2019: a Hate Driven Move**PUCL Call to Citizens to launch Non-Cooperation Movement against CAA & NRC**

PUCL deploras the promulgation of the Citizenship (Amendment) Act, 2019 on 12th December, as a law which renders asunder the basic structure of India's constitutional scheme founded on the stated goals of secularism, respect for diversity and peaceful coexistence of all communities, without distinction of community, caste, creed or other differences. The PUCL declares that, collectively with others, it will work towards restoration of universal principles of citizenship in India.

The key thrust of the new Citizenship Act changes the essence of the Constitution, altering the basic principles of universality of citizenship which was obtained irrespective of race, sex, religion, and place of birth. *Citizenship now will have religion as a key determinant for obtaining Indian Citizenship* since the CAB will now include all religions of the region (Hinduism, Sikhism, Jainism, Buddhism, Parsis and Christians) while very conspicuously excluding Islam. While the CAB hides behind the veil of being in favour of persecuted minorities of the three neighboring Muslim majority countries, the pith and substances of the Amendment strips away the secular value of the Constitution which "We, the people of India" had given to ourselves.

It is a matter of supreme irony that while the rest of the world woke up to 10th December, 2019, celebrated globally as 'International Human Rights Day', we in India woke up on 10th December to witness the virtual desecration of the key human rights principles enshrined in the Indian Constitution which values respecting diversity, ensuring equality amongst all communities and promoting co-existence, secularism and communal harmony. In the early hours of 10th December, 2019, the House of People (Lok Sabha) voted in favour of differentiating and discriminating persecuted people who seek refuge in India in terms of '*Muslims versus other religions*'. The dark irony in the deliberate action of the NDA government brazenly rushing through a discriminatory draconian law on human rights day was not lost on the rest of the world, as numerous countries condemned the passage of the communally oriented Citizenship Amendment Bill.

The most odious aspect of the CAA is the communal, anti-Muslim bias inbuilt into the law. Thus a law meant to protect people who face '*religiously persecution*' in countries neighbouring India and seeking refuge in our country, provides that only persons belonging to '*minority*' communities like Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from the Muslim majority countries of Pakistan, Bangladesh and Afghanistan will not be treated as '*illegal migrants*'. Though the terms '*religious persecution*' and '*minority community*' is not present in the CAA itself, it refers to the Rules under the Foreigners Act, 2016 which clearly refer to these terms.

Even if religious persecution is the criteria, the flaws and contradictions in this legal formulation stands exposed by the fact that there are numerous communities within the larger Muslim community in Pakistan who face immense 'religious persecution'. The **Ahmadiya** community, the **Shia Muslims** and the **Balochs** have historically been facing harsh persecution with repeated bombings, mass killings and immense violence at the hands of the dominant Sunni Muslim community in Pakistan. Similarly the '**Hazara**' community in Afghanistan, also face religious persecution forcing them to seek exile in other countries, including India. Religious persecution is not only inter-religious; but as we can see the various Islamic sects with different practices are also under immense violent persecution.

It is really sad as how the CAA has deliberately left out of the ambit of the definition of 'religiously persecuted minorities' the tens of thousands of **Rohingya** Muslim refugees who have been declared as the most persecuted community of the world, facing ethnic cleansing and genocide from the murderous Buddhist Myanmar military regime. All these cases are deserving of grant of citizenship by a civilized country, for being victims of the inhuman provisions of the religion patronised by their government.

Equally condemnable is that the CAA is silent on providing protection to over hundred thousand Sri Lankan Tamil refugees who fled the 30 - year war and ethnic cleansing in north Sri Lanka and who have been in India for periods ranging from 10 to 30 years. Sri Lanka has recently seen a regime change with Gotabaya Rajapakse, accused by the Tamils as the architect of the genocidal war in 2008-09, as the new President of Sri Lanka. In these circumstances it's impossible for the Sri Lankan refugees in India to have confidence to go back to Sri Lanka. The BJP government has mercilessly dumped these Tamil refugees to the dustbin of history, a shameful commentary on the international image of India as a country of peace.

It is well know that from the time of independence, India has offered sanctuary to so many persecuted people from all around South Asia, from the Dalai Lama and **Tibetans** who fled in 1959 when China invaded Tibet to refugees from many other war torn nations from across Asia and Africa. We have now lost the moral high ground in our very subcontinent.

It is ominously clear that the Modi – Shah led BJP Government is determined on pushing through all means available in its political armoury, its stated agenda of forcing India to become a *de facto* 'Hindu Rashtra' even though declaring it in law (*de jure*) may take some more time. Part of the strategy to consolidate majority Hindu sentiment is by continuously stoking the fire of communal difference, hatred and intolerance while remaining strategically silent when violence engulfed India through lynchings, mob killings and mass violence in the last few years.

CAA, accompanied by the **declaration of forcing the National Register of Citizens (NRC)** on the whole country is the lethal project of subordinating Muslims to virtually become second class citizens in their own country.

What the CAA and nationwide NRC will accomplish is much more sinister: it will unleash insecurity amongst Muslims throughout India in a scale hitherto not experienced. The NRC Assam process has demonstrated that over 19 lakh citizens got left out from the NRC with more than 12 lakh Hindus and Indigenous people failing to prove their Indian citizenship. In the whole country these numbers could swell to an unimaginable high figure.

Even in Assam the, 12 lakh Hindus and Indigenous people cannot be made stateless. The Citizenship Amendment Act is aimed at meeting that contingency by giving citizenship to Hindus, Sikh, Buddhists, Jains, Christians, and Parsis i.e. to all except the Muslims. Thus, the CAA serves several of their purposes: it grants citizenship to all "illegal immigrants" except Muslims by excluding and creating a second, subordinated class of citizens. Who will then have restricted rights, apart from being in detention centres.

With the abrogation of Article 370 of the Constitution, internet lockdown, blackout of all leaders in Kashmir, the Ayodhya - Babri Masjid decision by the SC in favour of the Hindu Community, the nationwide NRC and now the CAA - the Hindu Rashtra Project of the Sangh seems to be a reality and not a far flung prophecy: it is here to stay.

Our country is passing through one of the most serious crises to its existence as a secular, democratic republic. It is extremely vital that all democratically minded citizens join hands to oppose the CAA. The PUCL will work with other human rights groups, constitutionally minded and concerned citizens to oppose the Citizenship Amendment Act, 2019 and the NRC, scheduled to be rolled out throughout India. PUCL gives a call to all concerned citizens to follow Gandhiji's method of civil disobedience and to resist the nationwide NRC process and the implementation of the CAA through non-violent means and non-cooperation and urge the people of India to save democracy and rule of law in the country.

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