

# DECODING CAA

Centre is accused of using CAA to filter out Muslims and other minorities. Salar News reports on its origin, pros & cons and what's next



## What is Citizenship (Amendment) Act, 2019

CAA was passed in Parl on 11 Dec, 2019. It provides Indian citizenship for persecuted religious minorities such as Hindu, Christian, Jain, Parsi, Buddhist and Sikh from Afghan, B'desh and Pak who entered India without visa on or before 31 Dec, 2014, and have stayed for 5 yrs. It is the 1st time religion is used as criterion for citizenship



## What is Nat'l Register of Citizens?

NRC is a record of those who are legally Indians. It includes information on all citizens as per Citizenship Act, 1955 (see right). BJP vowed its implementation in 2019 manifesto

Assam had its first NRC in 1951 and between 1961 & 1969, thousands of Muslims were exiled to Pak. NRC was updated in 2013 after an SC order. Numbers were out in 2019. It excluded 2 million people of the total Indian population

## Criteria for Citizenship under 1955 Act

**By birth:** People born between 26 Jan, 1950 & 1 July, 1987 got citizenship regardless of parents' nationality. Those born between 1 July, 1987 & 3 Dec, 2004, got citizenship if one parent was a was Indian. Post 2003, citizenship was given if both parents are Indians



### By registration

A person of Indian origin who has been a resident of India for 7 years can apply for registration. A person who is married to an Indian citizen can also apply for Indian citizenship

### By descent

Individuals of Indian descent living outside the country could register for citizenship, but a person who had voluntarily acquired citizenship of a foreign state was barred from Indian citizenship

### By naturalisation

Foreigners may become Indian citizens after residing in the country for at least 12 yrs and renouncing any previous nationalities. It does not provide for dual citizenship

## Who is an illegal migrant?

A foreigner who either enters India without papers such as passport and visa, or enters with valid documents but overstays the permitted period. Not eligible for Indian citizenship



They may be jailed or deported under Foreigners Act of 1946 and Passport (Entry into India) Act, 1920

## India lacks a refugee policy

India neither has a refugee policy nor is a signatory to the 1951 Refugee Convention and the 1967 Protocol, which secure the rights of refugees to seek asylum

Hence, refugees have no access to healthcare, education or employment

## Exception in accepting refugees

India has an ad-hoc approach to sheltering refugees on a case-by-case basis. India has sheltered the following refugees in these years:

Partition refugees **1947**      Tibetan refugees **1959** (onwards)      Bangladeshi refugees **1971**

Sri Lankan Tamil refugees **1980s** (onwards)

## Two-track mechanism for asylum

Sri Lankan & Tibetan refugees are registered under Ministry of Home Affairs



Refugees from Afghanistan and Myanmar must register with UNHCR



UNHCR is not operational in Mizoram. Instead, the state government issues ID cards because of which the refugees depend on donations to survive

Children born to illegal immigrants are stateless

## What about orphan refugee kids?

India lacks a legal framework to handle orphan refugee children. Salar News contacted UNHCR and Home Ministry seeking clarifications on: are the kids in detention centres; if they are placed in orphanages, do they receive education? UNHCR said it works with authorities and NGOs to help these kids.

Unaccompanied kids stay with caregivers and when needed, support from National Child Protection agencies, Childline and Child Welfare Committee is sought

## WHAT HAPPENS NOW?

- CAA relaxes requirement of naturalisation from 11 years to 5 years
- The cut-off date for citizenship is now 31 December, 2014, which means the applicant should have entered India on or before that date
- Tribal areas of Assam, Meghalaya and Tripura are exempted
- It also exempts areas regulated via Inner Line Permit, which include Arunachal Pradesh, Mizoram and Nagaland

## Priests can give certificates

Govt has authorised local priests to issue an "eligibility certificate" under CAA to validate the religion of an applicant. Applicants must upload this certificate, an affidavit and other documents to the CAA portal <https://indiancitizenshiponline.nic.in/>



## Partition & permit system

**19 July, 1948:** This is when permit system came into effect. After Partition, the properties of Muslims who moved to Pakistan were taken over to house Hindus and Sikhs. This posed a difficulty when Muslims returned to India. Hence, the government introduced a permit system that mandated any incoming migrants from West Pakistan, from 19 July, 1948, to obtain a permit to cross the border. The system made it difficult for Muslim exiles to return to India even if they had property back home. The system also discriminated against "Muslim evacuees" while recognising Hindus and Sikhs as "displaced people"

## Nehru-Liaquat Pact

It was a treaty signed by India and Pak in 1950 following Partition

This was followed by communal rioting as 1M Hindus and Muslims migrated from and to East Pak. Amit Shah referred to the pact in Parliament to justify CAA



## Pact features

Refugees were allowed to return and reclaim their property

It ensured that abducted women and looted property were returned

Recognised minority rights

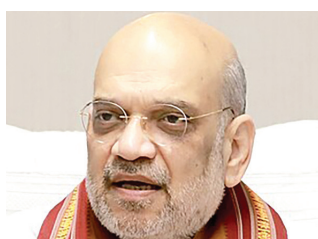
Introduced a visa system for refugees



## BJP'S PROMISE

In 1996, BJP vowed to detect illegal migrants, delete them from citizenship list and deport. In 2014, BJP promised a "home" for persecuted Hindus

In 2016, BJP promised that if voted to power, it will rid Assam of illegal influx of Bangladeshi migrants and seal the border



## No one can stop CAA: Shah in WB

Home Minister Amit Shah has asserted that no one can stop implementing of CAA as it is the law of the land and accused the West Bengal Chief Minister Mamata Banerjee, of misleading people on the issue. He also said it will be implemented before 2024 Lok Sabha polls



## PROTESTS QUELLED SO FAR

- After Centre notified CAA in Assam on 11 March, 2024, protests erupted at several university campuses
- Assam Chief Minister Himanta Biswa Sarma said he will be the first to resign if even one person, who has not applied to be in National Register of Citizens, gets citizenship
- Police issued legal notices to organisations protesting against CAA

## WHY IS ASSAM AGAINST CAA?

Pakistan became a country in 1947 by including West Pakistan (today's Pakistan) and East Pakistan (today's Bangladesh). But the refusal to accept Bengali as state language soured relations and war ensued in 1971. During Bangladesh liberation war, some 10 million Bangladeshis sought refuge in Assam, WB. Assam Accord was signed in 1985 to identify and deport "foreigners" who entered the state after 24 March, 1971. On 15 July, 2016, Citizenship Amendment Bill was introduced as an amendment to Citizenship Act, 1955. Once it was passed protests erupted in Assam. But, protesters feared that CAA dilutes Assam Accord as the 1971 deadline was extended to 2014, resulting in inflow of more Bangladeshis. Out of 19 lakh excluded from NRC, 7 lakh were Muslims

## PROTEST HAVOC

- 5 people were killed in police firing during protest in Assam
- 175 arrested
- At least 1,400 detained
- Assam and West Bengal are the two states where the CAA will affect the most number of people as they border Bangladesh

