

The Resurgent India

A Monthly National Review

December 2019



“Let us all work for the Greatness of India.”

- The Mother

Year 10

Issue 9

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SUCCESSFUL FUTURE

(Full of Promise and Joyful Surprises)

Botanical name: Gaillardia Pulchella

Common name: Indian blanket, Blanket flower, Fire-wheels

Year 10

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A Declaration

We do not fight against any creed, any religion.

We do not fight against any form of government.

We do not fight against any social class.

We do not fight against any nation or civilisation.

We are fighting division, unconsciousness, ignorance, inertia and falsehood.

We are endeavouring to establish upon earth union, knowledge, consciousness, Truth, and we fight whatever opposes the advent of this new creation of Light, Peace, Truth and Love.

— The Mother

(Collected works of the Mother, Vol. 13, pp. 124-25)

PROTESTS AGAINST CITIZENSHIP AMENDMENT ACT, 2019: AN ATTEMPT AT MISINFORMATION AND COMMUNALIZATION

The passage of the Citizenship (Amendment) Act, 2019 (CAA) marks a watershed moment for national politics in India. In simple terms, the Act fast-tracks the process of granting Indian citizenship to persecuted religious minorities from Afghanistan, Pakistan and Bangladesh, leaving the rest of the citizenship rules for all other immigrants unchanged. These minorities include six religions viz. Hindu, Sikhs, Buddhists, Jains, Christians and Parsis. It clearly does not include Muslims, as they form a majority in the three Islamic countries. And their motive for entering India would be most likely economic rather than any persecution in their country and therefore to distinguish between such and the refugees who flee from the three neighbouring Islamic countries to escape persecution and murder is very appropriate and just.

Despite its clear nature, the passage of the CAA has been accompanied by virulent and violent protests, engineered by elaborate opposition, activist and terror networks, who have distorted the meaning of the issue by maliciously linking it with National Register of Citizens (NRC) and labelling “CAA-NRC regime” as religious discrimination against Muslims.

Yet, despite severe opposition and polarization by the political class and the media/intellectuals, the legislation managed to sail through both the Houses of the Parliament. In Lok Sabha, the legislation passed with 311 MPs voting in favour and 80 against it, while in Rajya Sabha, 125 voted in favour and 105 opposed it. The BJP was helped by the staunch support of allies like JD(U), AIADMK and Shiromani Akali Dal, and by

supportive parties like Biju Janta Dal, Telgu Desam Party, YSR Congress Party. Shiv Sena voted for the legislation in Lok Sabha and staged a walkout in Rajya Sabha, indirectly helping the government. Northeastern parties like Bodoland People's Front and Naga People's Front too voted for the legislation.

However, it was only after the passage of the CAA in the Parliament that the violent street protests all over the country brought home the fact that any substantial step that is taken in national interest will be virulently obstructed by massive networks of vested interests. No matter howsoever much the protests were couched in 'secular' terms – and strategically linked to 'saving the Constitution', as all protests since 2015 – there is irrefutable proof that these protests were nothing but a massive communal assertion by the Muslim community, backed by violent resources of terror networks and secular intellectuals and media of this country.

THE NEW AMENDMENTS, NRC LINKAGE AND SUPPOSED LEGAL CHALLENGES

What the CAA, 2019 does:

The CAA, 2019 amends the Citizenship Act, 1955. The 1955 law has been updated and amended multiple times in the past, such as in 1987, in 1992, and, in 2003. The law provides that Indian citizenship is defined by five main categories viz. by birth, by descent, by registration, by naturalization, and, by incorporation of a territory into India.

The CAA, 2019 simply amends the provisions related to 'citizenship by naturalization' for a specific group of refugees, leaving the rules for all other categories untouched. According to the CAA, 2019, religious minorities from Pakistan, Afghanistan and Bangladesh – Hindus, Sikhs, Buddhists, Jains, Christians and

Parsis – who have come to India before December 31, 2014, and have been staying in India on a Long Term Visa (LTV), will be eligible for Indian citizenship.

For these specific group of people, the time of residence in India (on a LTV) as a condition for citizenship has been shortened from the normal 11 years to 5 years. For all others seeking to apply for Indian citizenship by naturalization, including Muslims from these three Islamic countries, the residence period requirement and all other rules continue to be the same. Indeed, ***even for these persecuted minorities, only the time period of LTV has been shortened just to fast-track the grant of citizenship and that too up till the cut-off date of December 2014, nothing more. Forget about 'excluding' anyone from Indian citizenship, the legislation does not even automatically grant citizenship to these persecuted minorities already staying in India – the LTV and the cut-off date continue to be a part of conditions.***

Clearly, while the law has been amended to include special provisions for religious minorities from three countries, this does not mean that any other potential immigrant desirous of obtaining Indian citizenship cannot do so through the route provided in the pre-existing law. The amendments only fast track the process of citizenship for certain groups, but do not exclude other immigrants from applying through the normal, pre-existing route for citizenship, which remains unchanged.

Therefore, there is no discrimination towards anyone in terms awarding Indian citizenship and neither is anyone being deprived of their Indian citizenship. There is just fast-track affirmative action for some groups who have been persecuted on religious grounds. The CAA, 2019 just makes it easier for these groups to get Indian citizenship, while leaving all other criteria unchanged.

The Act will not be applicable to those areas of the North-east which come under the Sixth Schedule of the Indian Constitution. These areas include autonomous tribal-dominated areas of Assam, Meghalaya, Tripura and Mizoram (ET Online, 2019). The Act will also not apply to those states that have the Inner Line Permit (ILP) viz. Arunachal Pradesh, Nagaland and Mizoram. Just before the passage of the Act, the Home Ministry also notified the ILP for the state of Manipur. The ILP regime was put in place by the British under the Bengal Eastern Frontier Regulation, 1873, which required that Indians from other states need to obtain an ILP in order to pass through the areas covered under ILP, meant to protect indigenous cultures of those areas.

The new amendments under CAA, 2019 have been on the agenda since 2015. In 2015 and 2016, the Indian government took the first steps in this direction by amending the Passport Act, 1920 and Foreigners Act, 1946 to allow non-Muslim refugees from the three countries to reside in India, and not be jailed or deported, even if they entered the country without valid papers.

A circular by the Reserve Bank of India (RBI) in March 2018 also allowed these religious minorities (living on an LTV) from the three Islamic states to buy one immovable property in India for residential purposes and one immovable property for self-employment purposes. In November 2018, these minorities, living on an LTV, were allowed to open Non-Resident Ordinary (NRO) bank account to give them better financial access.

The purpose of the government, in taking all these steps since 2015, was simply to bring them out of the poverty and squalor of the camps in which these minorities have languished for years and to make a living. Just like the CAA itself, these initial humanitarian steps were directed at making life easier for these

impoverished minorities and were, of course, limited only to LTV holders.

As pertains to the CAA, the logic behind granting citizenship to religious minorities is clear – the practice of official state religion by these countries which becomes the cause of minority persecution. Due to the Partition of the country on a religious basis in 1947, millions of people were displaced and many people from the six religions outlined in the Act ended up living in undivided Pakistan, which declared Islam as the state religion and began to persecute its minorities. Even though the Nehru-Liaquat pact (1950) was signed between India and Pakistan, in which both countries agreed to protect their respective religious minorities, it was never implemented by Pakistan.

The linguistic creation of Bangladesh in 1971 did not, in any way, undo the religious logic of 1947, as, subsequently, even Bangladesh declared Islam as the state religion in the 1980s. Even though, it declared itself as secular in 2010 once Sheikh Hasina took over, yet it continues to be a de facto Islamic state.

The country is infamous – in numerous international reports – for its persecution of Hindus and Christians, as well as of Buddhists of Chittagong Hills. Besides these two neighbouring countries, we also share borders with the Islamic state of Afghanistan, which is another neighbouring country where the existence of an official state religion, and widespread hold of a de facto Taliban regime, becomes the reason for persecution of minorities, especially Afghan Sikhs.

Linkage with the NRC:

The crux of the protests against the CAA, 2019 lies in its hyphenation with the all-India National Register of Citizens (NRC), which is being used to fan communalism and misinformation.

The main allegation is that CAA-NRC regime discriminates against the Indian Muslims. The opposition has spread the myth that the government is implementing the CAA first so that all non-Muslims can be assured citizenship. Later, once NRC is rolled out across the country, Muslims who are not able to prove their citizenship will be left out, while Hindus and others who are not able to prove their citizenship will allegedly be protected under the CAA.

There cannot be a more bogus argument. The government has been at pains to explain and it is self-evident that only non-Indian non-Muslims belonging to three specific countries will be eligible for Indian citizenship under the CAA. If an Indian Hindu is not able to prove his/her citizenship under the NRC, he will not be protected under the CAA unless he is able to prove that he comes from Pakistan, Bangladesh or Afghanistan. Therefore, in no way does the NRC discriminate against anyone.

Moreover, the protestors are acting as if the NRC is something that this government has pulled out of thin air. In fact, a framework for NRC has been established since 2003. The rules of Citizenship Amendment Act of 2003 provide for the creation of an all-India NRC, linking it with the compilation of a National Population Register (NPR), in order to determine who is an illegal immigrant.

Exceptions are made for Assam, where the process would be carried out not through a population register by enumeration and door-to-door data collection by the government officials, but by determining, through claims and objections, who has been a citizen before March 25, 1971, as per provisions of the Assam Accord (1985). Yet, the myth is being spread that the all-India NRC – which has not even been officially announced yet – will be like the Assam NRC.

Therefore, the mandate for an all-India NRC has existed ever since the Citizenship Act of 2003 came into force in 2004, but has never been implemented. Not only that, but the Congress-led UPA-II was the first regime to operationalize the 2004 framework, by deciding to compile an NPR for the first time in 2010 (for the purpose of Census 2011). NPR has since been compiled twice – in 2010 and 2015. It is supposed to be compiled once again – between April 2020 to September 2020 – for the purpose of Census 2021. However, the protestors – and non-BJP states – have refused to cooperate, alleging that NPR will be first step to an all-India NRC.

For a very basic and necessary enumeration exercise, like NPR, that is done routinely by a sovereign country for various purposes (especially socio-economic purposes), and, for an exercise like NRC which will check illegal immigration and for which the rules have not yet even been framed, the sustained opposition reeks of illogical and deliberate obstructionism. The revolt against having a coherent framework of citizenship and rules for immigration undermines the very idea of a sovereign nation. The façade of so-called ‘democratic politics’ is such that it has become impossible for the government of the day to take any action at all in national interest.

The necessity of NRC is related entirely to the subject of illegal immigration into India – particularly illegal immigrants from Bangladesh, which exceeds more than the number of immigrants entering from Pakistan and Afghanistan. ***While there are no official government statistics about the presence of illegal immigrants in India, studies based on demographic and population data over the years, estimate that there must be around 15 million Bangladeshi illegal immigrants in India,*** with most having settled near border states and many doing menial

jobs in cities (Tripathi S. , 2016). ***In 2016, the Home Minister stated that there are about 20 million illegal Bangladeshis in India (Banerjee S. , 2019). They have contributed to immense demographic changes in northeastern states like Assam,*** where the ire against illegal immigrants is extremely high.

Attempts to deport them have failed, as Bangladesh refuses to admit that they are Bangladeshis and they often return. Thanks to the erstwhile Congress system in Assam, these illegal immigrants had the freedom to contest citizenship claims in Indian courts, vote in and stand for elections, get socio-economic benefits and easy access to and admittance of fake identity documents.

That is why an instrument like NRC becomes necessary, so that a distinction can be made between these illegal immigrants and genuine persecuted refugees who should be given citizenship.

Legality of the CAA

The opponents of the CAA have already suggested that they would challenge the CAA in the Supreme Court on the ground that it supposedly discriminates against the Muslims. However, the grounds for a legal challenge are quite flimsy, for various reasons.

First, and most evidently, the Constitution, under Articles 5 to 11 which deal with citizenship, clearly states that citizenship falls within the domain of the Parliament and that Parliament can frame citizenship laws, rules and amendments from time-to-time. The CAA, 2019 is one such in a series of rules and amendments that have already been framed in the past. It is not a constitutional amendment and neither does it challenge the basic structure of the Constitution. In every country, it is

common knowledge that immigration is an entirely governmental subject.

This is a policy subject and the Court cannot dictate to government on matters of policy. In *Balco Employees Union vs. Union of India & Ors.*, 2001, the Supreme Court judgement clearly states that, “It is evident from the above that it is neither within the domain of the courts nor the scope of the judicial review to embark upon an enquiry as to whether a particular public policy is wise or whether better public policy can be evolved. Nor are our courts inclined to strike down a policy at the behest of a petitioner merely because it has been urged that a different policy would have been fairer or wiser or more scientific or more logical.”

The implication is that, in purely policy matters, the government of the day is free to decide the criteria for differentiation, discrimination or categorization within any policy – the court cannot interfere in judging whether such criteria is just or whether any other criteria would be better or fairer.

Second, Articles 14 and 15 of the Constitution guarantee right to equality and protection against discrimination to citizens of India. Now, since the CAA has nothing to do with Indian Muslims, it cannot possibly discriminate against them. Therefore, Indians – regardless of their religion – are unaffected by it.

Moreover, Articles 14 and 15, which come under Fundamental Rights, are applicable only to Indian citizens. It, therefore, cannot be said that the CAA discriminates against Muslims by leaving their religion out of the six categories of persecuted religious minorities made eligible for citizenship under the CAA. ***The Fundamental Rights in our Constitution do not apply to Muslims who are citizens of other countries – the***

Constitution of India applies only to Indian citizens.

Yet, the intellectuals and media persist in perversely arguing that the law can be challenged on the basis of ‘reasonable classification’, that is, whether the criteria used by the government in framing the citizenship rules are reasonable or intelligible according to the Constitution – even though in the Balco (2001) judgment, the Court had held that it has no power to decide criteria/categorization in a policy matter. Not only does this objection disregard the basic fact that Parliament alone has the authority to frame citizenship rules and legislate on immigration, but also, even if we were to apply this completely out-of-context test of ‘reasonable classification’, the CAA still meets the test.

From the legal point of view, the selection of religion as a category as the basis for discrimination very much meets the criteria of ‘reasonable classification’, that is, classification based on ‘intelligible differentia’ or differentiation that can be understood. The CAA cannot include the Muslims as they form a majority in the three countries towards which this law has been directed. The target groups are marginalized persecuted religious communities in these countries.

The Indian Constitution has already provided for the provisions of affirmative action or positive discrimination directed towards the marginalized communities, which forms the basis of caste-based reservations. The meaning of what the term ‘reasonable classification’ entails has been elaborated in *RK Dalmia vs SR Tendolkar, 1958*:

First, there should be a clear distinction of the group that is sought to be uplifted from those people who do not belong to that group.

Second, the government action must be directed towards the upliftment of that group (Banerjee, 2019).

The CAA, 2019 meets both these clear criteria for reasonable classification in choosing religious persecution as a category for fast-tracking citizenship. The onus would really be on opponents of this Act to show how it is unconstitutional. Thus, the legal challenge to the CAA, 2019 – on all grounds – is flimsy at best.

PAST POLITICAL BACKGROUND

The CAA's inclusion of persecuted religious minorities from these countries is in line with the long-standing vision of India since the 70 years, cutting across party lines, but one which could not be executed due to political factors. ***From Gandhi and Nehru to present-day Manmohan Singh and even Communist Party of India, India has always battled for granting citizenship to persecuted minorities from the three countries.***

In 2003, Manmohan Singh had spoken on this issue in Rajya Sabha. In 2012, CPI(M) had battled for granting citizenship to Bengali Hindus from these countries. Today, Indian politics has become so selfish that ***a party like BSP – created in the late 1980s for the Dalits – is standing against the CAA, which protects the rights of persecuted Hindu minorities out of which nearly 80% are SC/ST (Ratnu, 2019). It is doing so to guard its Muslim votes in short-term elections. That such parties – betraying their own core philosophies – exist today is a travesty and not a marker of democracy.***

A few weeks ago, the Congress government in Rajasthan tried to deport a group of Pakistani Meghwal Hindus back to Pakistan – which was stopped by the Central Home Ministry. That is why CAA is necessary – to protect the persecuted communities like Meghwals, Bheels, Kolis, Odhs, Valmiki and

other Dalit communities, who have become the most religiously persecuted communities of the subcontinent (Ratnu, 2019). That India had up until now not been able to do anything for them simply due to the compulsions of Parliamentary democracy, is a tragic betrayal of our own ancient civilization and values.

Due to political selfishness the present-day leaders have changed their stand, but ***the issue is as old and as emotive as the modern-day Indian Republic itself.*** India has, in the past, since the times of Nehru battled for these minorities because ***they are an extended self of the nation, forcibly amputated in 1947 by the religion-based Partition of the country. They share our religion, culture, history and identity, and their plight as the most persecuted population of the Indian subcontinent has plagued India since 1947. Since the times of Nehru, India has not only recognized her moral responsibility to help them, but also owes them her civilizational and historical responsibility which cannot be obliterated by the vagaries of time.***

As the debate over the CAA continues, some of these facts have been brought to light by the country's Home Minister. He quoted the following on record to highlight the true import of the issue (Swarajya, 2019):

- Jawaharlal Nehru: "Those of our brethren separated from us due to political boundaries, who are watching us but cannot join us in our celebration of freedom, we are also concerned about them. Whatever happens, they are our own, and will remain so, forever. We will be equal participants in their happiness and sorrow, and whenever they want to come to India, we will accept them."

- Dr. Rajendra Prasad: "We are eager to rehabilitate those

who are to be displaced, and have suffered a lot of hardships and inconvenience. Whenever, they decide to come to India, they will be welcome.”

- Congress Working Committee (CWC) proposal of 25 November 1947: “Congress is bound to afford full protection for all those non-Muslims from Pakistan who have crossed the border and come over to India or may do so to save their life and honour.”

- Mahatma Gandhi’s statement on 7 July 1947: “The Hindus and Sikhs living in Pakistan, if they don’t want to live there, then they can come to India without a doubt. In this matter, to provide them with employment, citizenship, a life of dignity and happiness, is the first duty of the government of India.”

- Manmohan Singh on 18 December 2003: “Minorities in countries like Bangladesh are facing persecution, and if the situation forces them to, they come to India. In this case, it is our moral responsibility that we grant them citizenship. The government should think about it.”

- Ashok Gehlot in a letter to Chidambaram in 2009: “I want to attract your attention towards the displaced Hindus and Sikhs that have come to India from Pakistan. These people are illiterate, and come from the backward SC, ST communities. They are living in extreme poverty. They are demanding Indian citizenship. They should be granted Indian citizenship immediately.”

WHY THIS AMENDMENT WAS NEEDED – REFUTING ARGUMENTS BY DETRACTORS

Some of the most virulent, opposing questions to the Act have come from the secular-intellectual lobby in our own

country. Misrepresentation and fear mongering by vast sections of the Indian media shows how deeply divided we are in our loyalties to the nation, often providing fodder to other countries and international bodies to enjoy the spectacle.

There is a trove of information available on how minorities are persecuted in Pakistan and Bangladesh on a religious basis. A 2019 European Parliament report highlighted that 1000 girls were forcibly converted to Islam every year in Pakistan (Ratnu, 2019). In 2001, in the famous Bhola riots in Bangladesh, around 200 Hindu women were raped and murdered by a Muslim mob after Khaleda Zia came to power. The population of religious minorities in these countries has decreased from double digits to under 3-6% since 1947.

For instance, ***in the case of Bangladesh, at the time of Partition in 1947, the Muslim population of West Bengal was 12% and the Hindu population of East Bengal was 30%. Today, with massive Muslim immigration to West Bengal and persecution of Hindus in Bangladesh, West Bengal's Muslim population has increased to 27% (up to 63% in some districts), as per the 2011 census and Bangladesh's Hindu population has decreased to 8%*** (Nangia, 2016). This exposes the necessity of a CAA to protect persecuted Hindus in countries like Bangladesh and the necessity of NRC to deport the rising illegal immigrants, especially in states like Bengal and Assam.

Despite this, those opposing the CAA have raised absurd questions, on so-called 'moral' grounds.

First, the opposition has cried out why the Act selects only Pakistan, Bangladesh and Afghanistan and not include India's other neighbours like Myanmar and Sri Lanka, where Rohingya and Tamils are persecuted. This is absurd logic.

Myanmar and Sri Lanka have no record of persecuting religious minorities on the basis of their religion. ***The conflict in Myanmar and Sri Lanka are related to elimination of organized terrorist networks***, and in Sri Lanka it is a case of ethnic/racial strife. In Myanmar, the well-organized Arakan Rohingya Salvation Army (ARSA) and the militant, foreign-funded terrorist movement led by the Rohingya – declared as a security threat by neighbouring India and Bangladesh as well – simply cannot be dubbed as persecuted minorities and ***it would be an outrage of the worst kind to put organized Rohingya terrorists in the same category as hapless, defenseless Hindus and Sikhs and others in Islamic countries, who have not led a single protest movement and whose population has dramatically decreased. Similarly, the Tamils in Sri Lanka are not a religious minority by any stretch of imagination – they are ethnic/racial minority and they are no helpless minority, having waged a powerful decades-long armed struggle against the Lankan state and having assassinated one of India’s own Prime Ministers.***

Despite this, India has given shelter – housing, free education, ration and other amenities – in Tamil Nadu and other South Indian states to lakhs of Sri Lankan Tamils by providing special camps for them and they are included in a special list so that they can avail of social benefits. India has also made special efforts to rehabilitate them in Sri Lanka and has even provided hefty sums of money per household to ensure that they can build their houses in Sri Lanka. They have received such a privileged treatment that even CAA will not compare. They constitute a special case of ethnic persecution and have been welcomed in India like Tibetans. They do not even need to qualify for a religiously-based CAA.

Similarly, thousands of Rohingya have made India their

home and very few could be deported. They have, in recent times, caused a flutter in border states like Jammu due to sinister attempts of the former Mufti government to settle them in Jammu causing a panic of demographic change, combined with their radicalization and recruitment by Kashmiri terrorists. Despite all of this, they continue to live in India. To further formalize such residence through their inclusion in the CAA by giving them legal rights, would unleash a security threat for India.

A Muslim-majority country like Bangladesh can label Rohingya a security threat due to their increasing radicalization within camps in Bangladesh, yet, today, India's own opposition and media has become one of the greatest champions of terrorist organizations in neighbouring countries, arguing for them to be given Indian citizenship as well.

Second, opposition to the Act has protested that religion should not be selected as the basis of persecution and other factors like political persecution due to sectarian strife could be taken into account as well, so that persecuted Muslims from the three countries can be granted citizenship. This is nothing but a politically-motivated objection, directed at Muslim vote-banks.

As the background to the CAA shows, religion has been the main factor behind the Partition and the exodus of lakhs of people who became religious minorities in neighbouring countries. Historically, the Nehru-Liaquat Pact of 1950 was aimed at mutual protection of religious minorities by India and Pakistan. The reason Nehru signed such a pact with Pakistan was because India has a special relationship with minorities there. Similarly, as we have seen, past Congress resolutions as well as declarations by political leaders across party lines have endorsed the right of religious minorities to be granted

citizenship in India. People like Gandhi and Nehru have called it not just a humanitarian issue, but a responsibility of the Indian state. In India's political history, therefore, religion and not sect has been the defining criteria for citizenship debates.

Legally also, the Indian government is free to define its own criteria for citizenship, as has been clarified under the 1955 Act as well as by several legal judgements. Granting citizenship to minorities persecuted on the basis of religion is not the same as 'making religion a test for Indian citizenship', as it has been distorted to suggest by the media, since all others are free to apply under the normal rules without any extra pre-conditions.

Moreover, international examples abound of countries selecting their own criteria for granting citizenship to immigrants or refugees, no matter how controversial or religion-based. Trump's ban on immigrants from some Muslim countries in 2017, which was upheld by the US Supreme Court after modifications, shows how this debate has played out internationally.

Finally, the opposition has given the warped argument that CAA and National Register for Citizens (NRC) are mutually contradictory, since, in Assam NRC, those very people who attempted to prove they were citizens under NRC can now disclose their status as foreigners under CAA and get citizenship. Our opposition, in Parliament, made the absurd statement that only 4400 people in India claimed that they were persecuted religious minorities – a statement to which the Home Minister replied that it is obvious that nobody wanting to spend their future in India will want to declare that they are an illegal immigrant for the fear of deportation.

According to figures disclosed by the government in the

Parliament, while there is no central database on religiously persecuted migrants from neighbouring countries residing in India, as per Home Ministry, there are about 41,331 Pakistani nationals and 4193 Afghan nationals, as of December 31, 2018 (GoI, 2019). However, these are just those people who have stated religious persecution as the official grounds of emigration. The Home Minister said that there would be many others who have not declared themselves as refugees and have instead tried to prove themselves as citizens to avoid being deported as illegal immigrants. The Act would help these people to come out.

The only relationship between NRC and CAA is that both stipulate conditions for Indian citizenship, and it is crystal clear. NRC is meant to weed out illegal immigrants from border states, while CAA will provide citizenship to persecuted religious minorities – treated as refugees in India – from three Islamic neighbouring states. An illegal immigrant is the one who illegally migrates to India and resides here for the purpose of economic gain or other purposes. Many Bangladeshi Muslims who have flooded Assam for decades belong to this category and have been instrumental in communalization.

A refugee is the one who flees to India due to any form of persecution in their home country. For India, religious persecution is the most relevant category, since the majority of religious minorities in the three neighbouring Islamic countries suffer due to this reason, and they do not constitute a perceived security threat. ***Any refuge policy has to take into account not just persecution, but also combine it with present political realities of national security challenges – immigration and asylum are essentially national security issues and no sovereign nation acts like a ‘dharmshala’ without any consideration to its national security interests, and the same courtesy should***

be extended to India.

If India were to, for instance, allow in victims of sectarian persecution, such as Shia Muslims or Ahmadiyya from Pakistan, it would not be justified by our national circumstances. Historically, Ahmadiyya have been at the forefront of the creation of Pakistan and waging the war against India. Today, they are not recognized as Muslims by Sunnis in Pakistan. However, their demand is not to seek shelter in India – with whom they share an adverse historical relationship – but to demand equal recognition as Muslims in Pakistan. In other words, they don't want to be the oppressed, but seek to become the oppressors themselves in the Islamic state of Pakistan.

Similarly, Shias, while sharing considerably sympathy with the Indian state, have always historically identified with Iran. Their loyalty lies towards the Iranian Supreme Leader. In Kashmir, while Shias have cooperated somewhat with India, Iranian clerics frequently visit and preach to them; they worship and follow what Iran says; and Iran can, at any time, instigate them against India. Under such circumstances, it would be dangerous for India's national security to commit herself legally to legislate a citizenship framework based on Muslim sects, no matter how persecuted they are.

No refuge policy can be drafted in a political vacuum. Therefore, India has not expressed interest in institutionalizing other forms of persecution and has never signed the 1951 Refugee Convention of the United Nations or its 1967 Protocol. Until the CAA, India never had any refuge framework or policy, but despite not being party to the Convention, has always welcomed several refugees, such as Tibetans and has been home to Rohingya Muslims as well.

But the political context of the Indian subcontinent is more complicated and the lack of a refugee policy allows India to exercise discretion to ensure that no refugee becomes a security threat. Granting citizenship to religious minorities from three countries under CAA does not prove any big security challenge and has been done on the basis of sound logic of humanitarianism, civilizational, religious and cultural linkages within the reasonable limits of political and national security implications.

From all angles – legal, political and moral – it is amply clear that opposition to CAA, is mischievous and the misinformation on NRC has been deliberately engineered by opposition parties and antagonistic Muslim lobbies to make an attempt to push the government onto the backfoot. The riot-like situation that has played out in the country ever since the CAA was passed has completely abused the meaning of peaceful protest and democracy.

PROTESTS FROM THE NORTH-EAST AND OTHER PARTS OF INDIA: MAIN ISSUES INVOLVED

There is a huge difference between the nature of protests in the Northeast and those in other parts of the country like Delhi and Bengal. In northeastern states like Assam, the opposition is against CAA out of fear that it may lead to an influx of illegal immigrants in the state and violate the terms of Assam Accord (1985) which says that all those immigrants who entered after March 25, 1971 will be deported through the NRC exercise. Therefore, in northeast the mindset is to oppose all forms of illegal immigration and there is widespread support for an exercise like the NRC, which helps to identify and weed out such immigrants.

However, in other parts of India, like Delhi and Bengal, it is obvious that the reason for violence and arson is the attempt by secular and Muslim lobbies to link CAA and NRC, and weave a mythical narrative that while CAA will provide citizenship to non-Muslims from neighbouring countries, the NRC will target Indian Muslims as illegal immigrants and deport them from India. This is despite the fact that the Supreme Court-mandated NRC has only taken place in Assam and that too will be likely undertaken again, since it was a botched-up exercise. The government has promised to undertake NRC for the rest of India, in order to curb illegal immigration, but that is still in the future and nothing has been decided yet.

And even when the NRC does take place, it is mindless to assume that it will target the Indian Muslims only. Illogically, ***the sinister elements are shouting that while CAA will ensure that Hindus, Sikhs and others get citizenship even if they are not able to prove their identity under NRC, the Indian Muslims will be the only ones left to be targeted under NRC since they are not included under the protective measures of the CAA.***

This is the most bogus and mischievous argument and has, unfortunately, become the only basis of current protests. What the intellectuals and media perpetrating this argument choose to overlook is the simple fact that ***CAA does not guarantee any protection whatsoever to Indian Hindus, Indian Sikhs, Indian Christians etc. It only applies to non-Indian religious minorities from 3 Muslim countries – it is not meant for Indian citizens. Therefore, if an Indian Hindu is not able to prove his/her identity under NRC, he/she will be equally under the threat of being declared illegal as an Indian Muslim. There is no CAA provision applicable to him/her.***

Moreover, a long-drawn, complex exercise like NRC that is

still in the future, will take several years to complete, be bogged by several levels of judicial challenges and appeals, and is still a verbal promise by the BJP. The current protests end up being deliberately directed against the CAA in order to peddle a narrative of Muslim victimhood. That all these protests have, therefore, deliberately defied all logic and are only meant to assert an intimidating show of strength by Muslims has become more than obvious by now.

The nature of the recent protests in Delhi and Bengal have assumed the most sinister and communal character. In Delhi, while Jamia Milia Islamia is the centre of protests, in Bengal it is Muslim-majority districts like Murshidabad that are seeing violence. There is no doubt that these protests are a political assertion by Muslims – shielded by secularists – to which Hindus have not reacted.

Still, nobody wants to admit the communal nature of this assertion. Media has done its best to whitewash the violent protests at Jamia as ‘student protests’, forgetting that student politics has always been a fertile ground for jihadism in India, as seen in the obvious case of sleeper cells of Students Islamic Movement of India (SIMI) or the pro-Afzal Guru event held in JNU in February 2016.

In the current protests in Jamia itself, two Muslim women students – Ayesha Renna from Kerala and Ladeeda Sakhatoon – could be seen standing atop pavilions shouting slogans inciting jihad. One of these women student leaders had, in 2015, expressed support for terrorist Yakub Memon upon his hanging and had condoned the colonial era Moplah riots in the south, where Muslims massacred a record number of Hindus and were one of the worst communal riots in Indian history. But, Indian journalists like Barkha Dutt went ahead and lionized these women

as heroes for shielding their male friends from Delhi Police. Lately, be it Palestine, Syria or even India, jihadists have perfected the modus operandi of hiding behind women and passing that off as feminism.

The media's attempts to twist facts is also visible through some other cases that came to light during Jamia protests. Among the most sinister machinations by the media has been the attempt to pass off these protests as 'student' protests and to spread the explicitly fake news that students from college campuses across the country supported the Jamia and Aligarh Muslim University (AMU) protests. In a country which has thousands of colleges and universities, serious protests took place only in 4-5 colleges, while student leaders from 22 or so colleges just stood in solidarity and went back inside, including from a Muslim seminary college in Lucknow. Now, even these symbolic protests are not happening.

Indeed, the media passed off as real news that the IIT Delhi students are also agitating. Later, IIT students themselves came out with placards to convey the message that some outside people had forced their way into the campus to make it look like an IIT protest. There are many more such instances. Even in colleges like Delhi University and Jawaharlal Nehru University, where only student leaders went in to join Jamia protests, the media gave us the fake impression that the whole of DU had erupted. They couldn't do so about JNU, as, for some reason, JNU has not held sustained campus protests on this issue.

In Jamia itself, the situation was very different and had it not been for Delhi Police statements, they would have happily peddled fake news. In Jamia, what took place was not student protests, but a hijacking of these protests by Muslim radicals to give it a violent communal spin. According to Jamia VC, while

there are just 3000 students in Jamia, about 30,000 people were seen in protests and more than 180 fake student ID cards seized by the university, with many people from neighbouring Jamia Nagar allegedly violently barging into the university.

They threw petrol bombs at police (while no “student” has been in ICU, there were police officers in ICU with serious injuries), torched buses and vehicles and shouted anti-Hindu slogans. Delhi Police worked with NIA on facial recognition technology to precisely identify who were the perpetrators. On the basis of the FIR filed and people arrested, the police confirmed that none of them were students. Among those whose names feature prominently in the FIR, are former Congress legislator Asif Muhammad Khan, Aam Aadmi Party student wing leader Kasim Usmani and All India Students’ Association (AISA) leader Chandan Kumar. As per the police, also involved were local politicians Ashu Khan, Mustafa and Haider and Students Islamic Organization (SIO) member Asif Tanha (IANS, 2019). AAP MLA, Amanatullah Khan, in a viral video was seen inciting Muslim crowds at a protest the following day in Delhi’s Seelampur area.

The well-organized nature of protests show that it has received good funding. The modus operandi of pelting stones has now been transported from Kashmir to the rest of India by Islamists. One of the organizations whose name has come up in the current protests is the California-based ‘Organisation for Minorities of India’, which is backed by Pakistan (IANS, 2019). Kerala-based Popular Front of India (PFI) – an ultra-violent pan-India jihadi network, mainly active among students and youth – and SIO have also been named.

More damningly, a ‘Communist-Islamist nexus’ infiltrating India’s campuses is coming to light. This nexus, with its wide

networks, organized these protests. Certain protestors at Jamia – like the now infamous ‘student’, Ayesha Renka – have links to ‘Fraternity Youth Movement’, which is a youth organization of Welfare Party of India, which, in turn, is the political wing of Jamaat-e-Islami-Hind (Jel) in India (IANS, 2019). In southern Leftist universities like Pondicherry University, there are painted wall graffiti of ‘Intifada Inquilab’ and ‘reject NRC and CAA’ existing side-by-side, providing a glaring illustration of what is going on (IANS, 2019).

The mainstream media also played an infamous role in distorting video evidence, doing so in an utterly lame manner in some cases where the proof was more than obvious. For instance, ***a video from a Jamia rally went viral in which protestors could be seen shouting that they want “Hinduon se azaadi” (freedom from Hindus). Our media, upon realizing that the video was authentic, tried to pass it off as fake by claiming that the protestors were not saying ‘Hinduon’, they said ‘Hindutva se azaadi’.***¹ It was a bogus argument, as anyone seeing the video would know. In yet another confirmed video, ***protestors at AMU were seen shouting “Hindutva ki Kabar Khudegi, AMU***

¹ It is instructive to remember that Hindutva is a limited, political and organized assertion of Hinduism. Nonetheless, it is an assertion of Hinduism in a temporary political mould, needed at times. It is a modern phenomenon, starting with organizations like Hindu Mahasabha during colonial rule, since Hindus have not been politically and ideologically organized the way Semitic religions have been. Hindutva is, therefore, not natural to Hinduism, but emerged as a need-of-the-hour movement and has become stronger in the face of unprecedented onslaught on this culture by the secular elements espousing a jihadi agenda.

In India, secular intellectual lobbies have always tried to make a distinction between Hindutva and Hinduism, often painting Hindutva as alien, so that Hindus do not get united or organized politically.

ki Chhati Par.” Slogans like “Khilafat 2.0” were shouted and posters seen.

In yet another case, Delhi Police was dousing fire from a bus with water. This was passed off – by AAP leader Manish Sisodia and taken up gleefully by media – as Delhi Police allegedly setting the bus on fire. This fake news was later debunked when that very bus was pictured safe and sound standing at a depot.

Indeed, the fact that Jamia protests were a form of jihadist assertion was confirmed by the fact that Jamia Milia Islamia University VC said that there were only 3000 people at the university, while the protests had about 30,000 people. She claimed that people from the neighbouring Jamia nagar had barged into the university and hijacked the protests. By some accounts, AAP Muslim MLA goons also had a role in engineering it and an FIR has been filed against him. More importantly, an intelligence report stated that ISI-backed terror cells had planned this. The jihadi modus operandi is visible through the stone-pelting tactics deployed by the protestors, which had hitherto been limited only to Kashmir, blurring the lines between jihadi elements and students.

Similar modus operandi was seen in multiple protests across cities of India. In Ahmedabad, a Muslim mob led by a Congress corporator, Shehzad Pathan, attacked the police. In various cities in UP, protests took on a communal colour. In Lucknow, there was retaliatory crackdown by police. In Western UP – a prime place of communal politics, Bareilly, Meerut and Muzaffarnagar made the news for mob violence. In Meerut, a mob of Muslims attempted to trap 30 policemen in a house and burn them alive. Later, crackdown in Western UP helped control the situation.

In other places like Bihar, RJD-led Muslim mobs perpetrated violence. A Hanuman temple was vandalized, as protestors shouted slogans like ‘kaafiron se azaadi’. Yet, the media managed to whitewash this one-sided communal riot mob as ‘protestors’.

ISSUES IN THE NORTH-EAST

Unlike the near bogus and politically motivated objections raised by the opposition political parties and media, the opposition from North-east continues to intensify seriously, despite the exemption of major areas covered under Sixth Schedule and ILP. The locus of protests is Assam, where many areas will still remain unexempted despite these concessions. For Assam, the emotive point is that the CAA will nullify the Assam Accord of 1985 according to which all illegal immigrants who entered the state after March 25, 1971 will be deported irrespective of their religion.

The NRC exercise recently completed in Assam – although suspicious and bogus – was based on the logic of identifying these illegal immigrants and flushing them out. The BJP has vowed that they will not accept the existing NRC in Assam – which leaves out many Bengali Hindus and suspiciously includes many Muslim-majority border districts.

Despite the repeated assurances by the government that the CAA will not affect the Assam Accord of 1985, the Assamese agitations continue heedless, with the raging fires further being stoked by a combination of ethno-nationalists, Muslims, intellectuals and Congress-backed elements. Agitations in other states like Tripura and Meghalaya have also taken place, but not at the scale of Assam.

This response of Assam is symptomatic of the larger problem of the North-east – excessive inward-looking

isolationism has stoked a pathological hatred and suspicion towards anything which might be seen to disturb the dominance of major tribes or communities in the North-east. As a result, over the decades, many of the non-dominant, smaller tribes – such as Chakmas, Hajongs, Bru-Reang, Gorkhas etc. – have faced internal displacement and persecution within the northeastern states. Even the civil society and NGOs of northeast are complicit in this regime.

The root cause of this lay in the British creation of the Bengal Eastern Frontier Regulation of 1873 which instituted an administration of Inner Line Permit (ILP), which means that Indians from any other state cannot automatically enter the ILP areas without a permit – the intention was not to protect the cultures of north-east, which the British systematically commercialized and evangelicised, but to prevent Indians from a claim to parts of India itself. After Independence, it became – and continues till date – taboo for the Indian government to interfere in ILP areas, despite debates on the need to dismantle the discriminatory ILP regime.

One of fallouts of CAA is that it does not apply to ILP areas and further the government, in order to contain restlessness in Northeast, notified ILP in Manipur as well. This means that non-dominant, non-Muslim tribes in the ILP areas will not be automatically considered for citizenship under CAA, as they should be entitled to like other persecuted non-Muslims from Bangladesh. And further, if the NRC is executed in these areas, they too might be deported like illegal immigrants back to Bangladesh where they face untold suffering and religious persecution, as Chakmas and Hajongs have faced in Bangladesh's Chittagong Hills (Jain, 2019). As it is, in Christian states like Mizoram, they face internal persecution and pressure to convert.

Many Bru/Reang people from Mizoram have faced so much persecution during the 1990s that they were forced to relocate to camps in Tripura. But thanks to the ILP, the Indian government cannot do anything about these injustices, which might be exacerbated under the CAA-NRC regime.

The CAA-NRC regime has also created problems for other non-dominant, non-Muslim communities living in non-ILP areas like Assam. The botching up of the current shabby NRC exercise in Assam generated much ire for leaving out numerous Bengali Hindus from Bangladesh and suspiciously granting citizenship to Muslims in border areas, which were logically bound to have had more number of illegal immigrants. Now, while the CAA and a re-doing of NRC – as the BJP has promised – will rectify this problem, with CAA ensuring that Bengali Hindus from Bangladesh are not left out, while NRC simultaneously flushes out other illegal immigrants, the future of non-Muslim, non-Bengali Hindus – such as Nepalis, Bhojpuris etc. – who are also not from Bangladesh, Pakistan or Afghanistan is not certain (Jain, 2019).

The Indian government will have to grapple with these issues of non-Muslim, non-dominant community and non-Bengali Hindu people who neither belong to Bangladesh nor Pakistan and nor have gained acceptability in the Northeast due to discriminatory regimes like ILP and due to indigenous ethno-nationalism. These people – if their issues are not addressed adequately – will end up as stateless, and will either be deported to neighbouring Islamic countries or thrown into detention camps in India.

In the coming months, the ruling party is likely to take account of these issues. In the past, during elections in northeastern states, BJP has campaigned for the votes of

communities like Chakmas and Bru/Reang, by raising their historical issues. Therefore, it is likely that the government may consider alternative provisions for them. While dismantling the ILP will set the northeast on fire, these communities could be made exempt from NRC and have special provisions for re-settling them.

A FRAUGHT AND SHAMEFUL POLITICAL BACKGROUND: A BOTCHED NRC

In the entire debate over the CAA, one of issues that has not received much attention but needs to be highlighted to put the opposition's panicked reactions in context is the shameful role played by the secular political lobby in engineering demographic changes in the Assam in the name of sympathetic attitude towards illegal immigrants.

In Assam, the issue of illegal immigration has plagued the country since the 1960s and even prior to that, when during colonial times, British began to bring Muslim Bengali settlers to the region. After the mid-1960s, as infiltration from East Pakistan intensified, the problem of illegal immigration took massive proportions. The Muslim population, particularly, saw a marked increase, with Assam recording the highest rise in Muslim population as per the 2011 Census, as did the presence of Muslims on electoral rolls, with the voter population increasing by more than 50% between just 1970 and 1979.

There was a backlash from the Assamese against illegal immigrants – both Hindu and Muslim Bengalis. The Nellie massacre of 1983 in which 2000 Muslim immigrants were killed by tribals in central Assam showed the backlash against illegal immigrants. The birth of militant movements like ULFA and of the political activities of All Assam Students Union (AASU) was

based on an anti-immigration agenda. RSS also established foothold in Northeast at this time – to champion the cause of Hindu Bengalis who were minorities in Bangladesh and to differentiate them from illegal Muslim immigrants.

The political scenario, however, was muddied by the ruling Congress party, which, in an effort to harness the new Muslim illegal immigrant vote-bank, enacted the Illegal Migrants (Determination by Tribunal) Act (IMDT Act) in 1983. According to this law, no one could be effectively deported even after they were detected as being foreigners. The onus was on the complainant to prove the accused a foreigner. If a foreigner was detected, the police had no power to search and seize and the migrant managed to flee to another district.

The Congress, thus, effectively made sure that all actions against illegal immigrants would be toothless. Therefore, even when the Assam Accord was signed in 1985 between Rajiv Gandhi government and the AASU, it was just a paper tiger. The Accord promised to hold an NRC exercise in Assam. The outdated 1951 NRC would be updated to reflect the immense illegal immigration from Bangladesh that has occurred since 1971. As per the Accord, all those who entered the state before 1966 would be regularized. Those who entered between 1966 and 1971 – the time when migrations from East Pakistan intensified during the struggle against the Pakistan – would be deleted from the electoral rolls and lose their voting rights for 10 years. And finally, those who entered on or after March 24, 1971, would be considered foreigners and deported (Chakravarty, 2018).

However, thanks to the IMDT Act and commitment of Congress towards illegal immigrants, the NRC never took place. Thus, while over 300,000 migrants were deported from Assam between 1962-84, in the decade post-1983, a mere 1500 were

deported (Jain M. , 2018). The order of the day was that emboldened illegal immigrants not only voted but even contested elections, and those who were to be deported boldly contested their deportation in tribunals, as the whole ecosystem was skewed in favour of illegal immigration (Bhattacharyya, 2018).

The scrapping of the IMDT by the Supreme Court in 2005 did not make much of a difference, as the damage had already been done. It also did not prevent the ruling Congress from encouraging more illegal immigration. ***During the 2006 state election, Congress President, Sonia Gandhi, went on record saying that “her party is committed to minority rights and has introduced the Foreigners’ (Tribunals for Assam) Order 2006 under the Foreigners Act. This order will protect illegal Bangladeshi immigrants, making the process for identification of an illegal migrant and possible deportation, too difficult and time-consuming to implement”*** (Jain 2018).

This ecosystem, heavily skewed in favour in illegal immigrants, apparently changed after 2013 Supreme Court-mandated NRC, which the Modi government eventually implemented. ***The process of Assam NRC and declaration of list of illegal immigrants is now complete, but the final outcome is a complete disaster. The final NRC list leaves out 19 lakh people, out of which more than 13 lakh are Hindus, out of which about 11 lakh are Bengalis, 1 lakh are Gorkhas and another 1 lakh are Assamese Hindus or indigenous people. Just about 7 lakh excluded are Muslims*** (Mazumdar, 2019).

More unnervingly, even the Muslims who are excluded have been rejected on very flimsy grounds, such as spelling mistakes or writing errors, so that when they appeal in tribunals, there is a high chance of their appeals being upheld (Mazumdar, 2019).

Not only this, but the final NRC – a cosmetic, careless, corrupt bureaucratic exercise – does not at all reflect the real scale of illegal immigration in Assam – which the Supreme Court had once called a ‘violation’ against Assam in 2005. ***Various official statements by different government since 1977, have estimated that not less than 50 lakh to 2 crore illegal Bangladeshis reside in India and Assam. The NRC is a violation of all these studies and figures over the years. It is a violation of official Census 2011 statistics which clearly show that the upswing in Muslim population in Assam is due to intensified illegal immigration. It is a complete dilution of the entire Assamese struggle against illegal immigrants since 1960s. Thus, NRC has effectively legitimized and included majority of illegal immigrants as citizens – a highly disappointing culmination to such a fraught cultural history.***

One of the original NRC petitioners – Assam Public Works – says that there should be a re-verification, as the number of illegal immigrants is definitely more than 60 lakh since 1971, even by conservative estimates (Mazumdar, 2019).

The same Muslim groups that were vociferously protesting against the NRC are now thanking the Supreme Court for it. That the final NRC included hordes and majority of illegal Bangladeshi Muslims is evident from the fact that majority of border districts with Muslim majority population of illegal Bangladeshi immigrants have found a place in the NRC, whereas non-border districts where the presence of immigrants is much less have seen higher rates of exclusion.

In border districts with large historical presence of illegal Muslim Bangladeshis – such as, Dhubri, Karimganj, South Salmara and Hailakandi – the inclusion rate in NRC is above

90%. But in indigenous community districts like Karbi Anglong (Karbi community), Baksa (Bodo community), Udalguri (Bodos) and Tinsukhia (Assamese Hindus), the inclusion rate in NRC is lesser ranging between 85-87%. In Bodo-dominated Darrang, 31% claims were rejected (Mazumdar, 2019).

BJP has been volubly insisting that the **Assam NRC, conducted under coordinator Prateek Hajela (who has now been transferred), is one big scam**. Attempts to correct it have failed. When the centre and Assam government requested the Supreme Court to do a sample re-verification of 20 per cent of the names included in the draft NRC in districts along the India-Bangladesh border and 10 per cent of the names in the remaining districts, the Court refused, as Hajela told the Court that he had himself (not third-party verification as BJP wanted) already done the verification. Not only this, the CAG also found financial mismanagement to the tune of Rs. 108 crore in this whole expensive NRC process (NDTV, 2019).

WHAT WENT WRONG? THERE ARE TWO IMMEDIATE REASONS.

First, the 2017 Supreme Court directive prohibited the state government from interfering in the NRC. And, second, the rules for this NRC – along with all the deliberate loopholes – were already decided by the previous Congress government. Due to Court orders, despite BJP insisting all along that they could see the NRC going haywire, the state government couldn't do anything.

As a result, there was a massive rigging of this whole exercise in favour of illegal Bangladeshi Muslim immigrants, as reflected in the unbelievable results. **Over the years, illegal Bangladeshi Muslims – supported by Congress – have managed**

to easily get fake ID cards, fake Aadhar cards and other documents. These documents were not properly scrutinized by the lax NRC coordinators, with many NRC seva kendras themselves including illegal Bangladeshi officials. The rules about which documents will be submitted for NRC and how they will be admitted were all decided by Congress-ruled Assam government between 2013 and 2016, after the Supreme Court mandated, in 2013, that NRC will take place in Assam.

While on the one hand, years of Congress ecosystem had ensured that illegal Muslim Bangladeshis procure various documents as many illegal migrants all over the country have easily done (especially fake Aadhar cards), on the other hand, the Congress designed a lax process with deliberate loopholes. None of the things could be changed by the BJP which came to power in Assam in 2016 and attempted to take corrective action, thanks to Supreme Court's 2017 directive. Muslim immigrants have also been more alert about getting fake documents like certificates, ration cards etc (Mazumdar, 2019).

The Assam NRC is a blot on decades of Assamese struggle against illegal immigration. It not only does not reflect the real scale and numbers of illegal immigrants who have regularized themselves through illegal documents, but also includes majority of Bangladeshi Muslim-dominated border districts, which is an absurdity.

The Assam example provides a glimpse into how heavily the secular ecosystem is skewed in favour of illegal immigrants. The BJP may have the right intentions, but the rot deep within the system – including moral and material corruption – can turn even well-intentioned exercises rotten. The irony is that the secular lobby protests that NRC is anti-Muslim.

INTERNATIONAL REACTIONS

Increasingly, every action that India undertakes has begun to receive global limelight. The CAA, 2019 has similarly ruffled feathers in US, Bangladesh and Pakistan. In US, the bipartisan House Committee on Foreign Affairs – a Congressional body, which does not have any say in policymaking – had expressed displeasure at the legislation, while the US Commission on International Religious Freedom (USCIRF) had gone as far as to call for sanctions against Amit Shah and other high Indian officials if the Bill were to pass through Rajya Sabha.

Ironically, the USCIRF – a body meant to protect international religious freedom – failed to recognize that the legislation protects the rights of religious minorities in three countries with a discriminatory state religion. Instead, the USCIRF's only focus was on why it excludes Muslims. Last month also, the same body had condemned the NRC exercise in Assam for leaving out Muslims. This was despite the fact that the NRC was suspect in the manner in which it was carried out and left out more Hindus than Muslims.

However, regardless of the views of these bodies, the US government has taken a pro-India stand. Mike Pompeo, US Secretary of State, clearly stated that US appreciates the democratic 'debates' going on within India on this law. Besides US, France has also overtly supported India, saying that CAA is entirely India's internal matter. The preaching on human rights and religious/minority freedoms that always inevitably used to emanate from the West is missing this time.

As expected, Malaysia and Pakistan were the only countries to condemn the CAA as being 'anti-Muslim'. Bangladesh initially reacted negatively, but later closed the subject entirely. Pakistan's

reasons are self-evident. Imran Khan, besides cursing the Modi government on abstract counts, also said that Pakistan will not admit any Indian Muslim who flees India. He also alleged that India is planning something along the LoC in order to distract from domestic troubles arising out of anti-CAA protests. Indeed, Pakistan's foreign minister wrote to the UN alleging that India has removed fencing along 5 posts along LoC and has deployed missile tankers near PoK – allegations which Indian Army has denied.

As far as Malaysia is concerned, Mahathir Mohammed's statement criticizing the CAA and India's so-called treatment of Muslims was in line with the anti-India stand taken by Malaysia on Kashmir. Organization of Islamic Cooperation (OIC) issued not even a condemnation, but a very late customary statement of 'concern'. It is instructive to note the subtle power dynamics between Saudi Arabia and Malaysia lately. Malaysia, under Mahathir, wants to position itself as the new world-wide guardian of Muslim interests – a position for which Saudi Arabia and Turkey are already jostling. Pakistan PM was due to attend an Islamic conference in Malaysia this month – which was positioned as an alternative to the OIC – but later cancelled it, since Saudi Arabia saw it as being too competitive.

Therefore, on the intergovernmental front, no country has really effectively spoken about this issue – except for Pakistan and Malaysia. It is really in the international press that this has made headlines. Much like it played out in the Kashmir issue, international reporting – taking support from Indian media – was woven around the blind narrative of Muslim victimhood, rise of Hindutva and fears of India hurtling down China's path of authoritarianism.

The positive part is that, despite this relentless global media

coverage, the Modi government is one of the few administrations that do not bow to media pressure – domestic or global. Under the present administration, it is very clear that India has begun to assert herself as an influential power, dictating terms and conditions, rather than just a decisive swing player in international politics. India also actively responds to any provocations by governments like Malaysia as well as by foreign political parties in Western countries, especially negative provocations on internal issues by parties like Democratic and Labour parties in US and UK respectively.

CONCLUSION

The way the politics over the CAA and NRC has played out shows that the crux of the problem lies in a deliberate, mischievous media campaign of disinformation, which fueled what were very clearly anti-Hindu protests led by majorly Muslim mobs, sanitized in various places by the secularist lobby. As the terms of both CAA and NRC show, there is no confusion anywhere or discrimination against anyone. Moreover, the fact that the protests occurred over linking a non-controversial CAA to a yet unimplemented and unplanned NRC, shows that the entire core argument of the protestors was based on a myth.

This issue was made about Muslim victimhood. Despite being one of the largest nation-wide protests since the anti-reservation protests of 1990s, their real nature was rapidly revealed. The systematic underpinning of jihadi fundamentalism as the core of the protests in many areas was exposed. While in cities, there was an attempt to whitewash and re-package this anti-Hindu jihadism as secularism, it was unsuccessful.

As B.R. Ambedkar said about Muslims, “The Muslims have no interest in politics as such. Their predominant interest is in

religion ... Muslim politics is essentially clerical and recognizes only one difference, namely, that existing between Hindus and Muslims. None of the secular categories of life have any place in the politics of the Muslim community and if they do find a place — and they must because they are irrepressible — they are subordinated to one and the only one governing principle of the Muslim political universe, namely, religion” (Ambedkar, 1990, p. 232).

Also instructive in the present context is what Dr. Ambedkar says about the relationship of Islamic communities with law – “Among the tenets the one that calls for notice is the tenet of Islam which says that in a country which is not under Muslim rule, wherever there is a conflict between Muslim law and the law of the land, the former must prevail over the latter and a Muslim will be justified in obeying the Muslim law and defying the law of the land” (Ambedkar, 1990, p. 292).

The backlash against a simple legislation CAA and the false allegation that due to CAA, an important immigration exercise like NRC will become discriminatory against Muslims, bear out what thinkers like Ambedkar had predicted about the Muslim relationship with politics. Today, the country has effectively been held to ransom by the baseless communal allegations of one group.

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SOME HIGHLIGHTS

A. JHARKHAND ELECTIONS:

• The results for the Jharkhand assembly elections are out. While the JMM-Congress-RJD alliance won 47 seats, the BJP (contesting alone) won 25 seats, out of 81 assembly seats. BJP's former ally (contesting alone), All Jharkhand Students Union (AJSU), won 2 seats.

• The seat share and vote share of main parties is as follows:

	2014 seat Share	2019 seat Share	2014 vote Share	2019 vote Share
BJP	37	25	31.2%	33.4%
Jharkhand Mukti Morcha (JMM)	19	30	20.4%	18.7%
Congress	6	16	10.4%	13.8%
AJSU	5	2	3.6%	8%
Jharkhand Vikas Morcha [JVP (P)]	2	3	9.9%	5.4%

• Congress has increased the number of seats as well as its vote share. JMM has substantially increased its seat share, but its vote share has declined. BJP has seen a decrease in seat share, but its vote share has gone up by 2.2%. Even in the current elections, BJP is the party with the largest vote share at 33.4%, with the second largest JMM coming a distant second at 18.7%.

• Unlike in the 2019 elections where it contested alone, in 2014, BJP had an alliance with AJSU. In 2014 BJP had contested

72 seats and won 37 seats, while AJSU had contested 8 seats and won 5. BJP's contested vote-share in 2014 was 35.7%.

- In terms of SC/ST votes, the BJP lost vote share in areas where SC/ST population was lower:

Voting patterns in SC/ST groups:

SC/ST Population	BJP 2019	Change from 2014	JMM+ 2019	Change from 2014
< 30%	33.5%	-2.3	32.5%	+0.1
30% to 60%	31.6%	+1.5	41.1%	+1.6
> 60%	31.1%	+0.4	33.7%	-0.2

Source: Palshikar, Shastri, & Kumar (2019)

While the JMM has a larger vote share in greater SC/ST areas, the BJP lost vote share in areas with less SC/ST population and gained in areas with higher SC/ST population.

- In terms of religion, the Hindu vote was divided, while Muslims and Christians voted heavily for the Opposition.

Religion-wise vote share (%) (approximate):

Religion	JMM+	BJP	AJSU	JVM	Others
Hindu	31	39	9	6	16
Muslim	53	14	5	6	22
Christian	41	23	7	4	25
Others	40	28	9	4	19

Source: Palshikar, Shastri, & Kumar (2019)

- The main question in these elections is how did the BJP manage to lose, so soon after sweeping the Lok Sabha polls in

Jharkhand. The BJP had swept the polls in Lok Sabha constituencies of Chatra, Dhanbad, Dumka, Godda, Hazaribagh, Jamshedpur, Khunti, Kodarma, Lohardaga, Palamau and Ranchi in the general elections of 2019 i.e. 11 out of 14 Lok Sabha seats. Out of these 14 seats, in the current assembly elections, the BJP lost Chatra, Dumka, Jamshedpur, and, Lohardaga.

- The former Chief Minister, Raghubar Das, himself lost in Jamshedpur East to former BJP rebel Saryu Roy. The BJP also lost in Jamshedpur West – the seat from which, due to internal politics, it had not allowed Saryu Roy to contest as he traditionally used to, forcing him to contest as an Independent against the CM himself from Jamshedpur East.

- There are a combination of factors contributing to the loss:

- > **Internal Politics:** As the case of Jamshedpur East and West shows, internal politics played a negative role. The alienation of an erstwhile RSS man and BJP member, Saryu Roy, due to petty politics was negative. Roy had a good following among party workers and had an honest image.

This happened in many cases, where the BJP state unit dropped several sitting MLAs – 13 out of 37 sitting MLAs were dropped – and alienated many loyalists who then worked against the Raghubar Das-led BJP. Further, giving tickets to new entrants with dubious or corrupt records created even more dissatisfaction with the CM.

- > **Shunning Alliance:** The decision to shun an alliance with AJSU also proved costly. The BJP did not perform well among the OBCs this time, and AJSU has a good base among OBC communities like Mahtos which could have made a difference for the BJP (Dayal, 2019). Also, had BJP allied with AJSU it could have made a difference in at least 10 seats where their combined

vote-share would have been more than that of the winning opposition candidate (Hebbar, 2019).

> **Local Factors:** Local factors played a role in this election. BJP did not get the votes of lower middle classes due to issues like unemployment. This is reflected in the loss of BJP's vote share among OBCs and upper caste Hindus. The Opposition – which had been systematically campaigning and reaching out to people since 2018, could mobilize them around local issues, even as BJP relied solely on Modi and Shah to do last minute campaigning around national issues like Article 370 and triple talaq.

While the Raghubar Das government – the only one to complete a full five-year term in the state – had performed well over the last 5 years, these initiatives were hardly highlighted during the campaigning.

National issues do resonate deeply with people and that is why BJP has been able to perform reasonably well despite contesting all alone. But the effectivity and sincerity of these national milestones in the collective psyche of the people is diluted if the state unit is unable to bring the message across or emerges as unpopular.

> **Tribal Factor:** While the BJP may have performed well among SCs, it antagonized the Christian STs, who played a major role in many seats.

Community-wise change in vote-share in 2019 compared to 2014 (%):

Caste/Community	JMM-Congress	BJP
Upper caste	-2	-8
Yadav	+11	-14
Kurmi	-11	-4

Other OBC	+2	-6
Jatav	+1	-2
Other SC	-1	+14
Oraon (Hindu and Christian)	+8	-21
Santhal (Hindu and Christian)	+2	+13
Munda (Hindu and Christian)	-7	+22
Other ST	-11	-13

Source: Palshikar, Shastri, & Kumar (2019)

From the above survey, it is clear that BJP has mainly lost out on OBCs, upper castes and Yadavs. It has gained heavily among non-Jatav Dalits, and tribal communities like Santhals and Mundas. Therefore, the analysis that tribals were not happy with the BJP is not completely true.

A popular narrative in post-election analysis is that the attempt to change the land acquisition policy by amending Chota Nagpur Tenancy Act and Santhal Pargana Tenancy Act – which made sale of tribal land to non-tribals easier – may have polarized the tribals against the BJP. Also, the entire Pathalgadi armed movement – along Naxalite lines, demanding self-governance and acting against the state – and government crackdown 2-3 years back was also tribal-focused. But these attempts at land reforms were made at least 2.5-3 years ago, as was the crackdown against separatists. And BJP swept the Lok Sabha elections, especially in areas like Khunti where the Pathalgadi crackdown actually occurred.

Indeed, if anything, the Pathalgadi movement strengthened BJP further. About 2.5-3 years ago, the BJP had nearly successfully attempted to divide the tribals along religious lines to expose how Christian missionaries were attempting to convert Hindu

tribals. BJP had then invoked tribal heroes like Birsa Munda and others who had fought for Hindu tribals.

The government had also brought in a stringent anti-conversion law viz. Religious Freedom Act in 2017, to curb missionary conversions, which Hemant Soren has now promised to review.

The BJP had become a threat to Christian missionaries and took stringent actions against them in cases like selling of babies. Mother Teresa's Missionaries of Charity wanted the CM removed as they realized that the BJP was on track to completely kill their conversion agenda and had also gained lot of popularity among the Hindu tribal people.

If the results during the current elections are seen carefully, it is obvious that main sections of Hindu tribals voted heavily for the BJP. Indeed, the BJP increased its vote share considerably among Munda and Santhal tribals, while losing among Oraon and other tribals – and Hindu-Christian polarization is very much visible. Among the Oraon, who follow nature worship or Sarna, there were demands for a separate religious code – promised by all parties – but also considerable conflict among Hindus and Christians over how to interpret religious symbols. Despite the fact that their practices derive from Sanatan Dharma, the demands for separate religious code dilutes Hindu consolidation.

While in 2014, BJP – albeit with slim margins and in an alliance – won 13 out of 28 reserved tribal seats and in 2019 Lok Sabha elections, it won 3 out 5 such seats, in 2019 assembly elections, JMM+ won in more than 20 such seats (Dutta, 2019). However, in at least 16 tribal seats, Christian tribals played a game-changer, and punished the BJP for issues like the anti-conversion law (PNS, 2019).

Takeaway from Jharkhand:

It is, therefore, clear that these elections were not about tribals versus BJP, but more about Hindu tribals versus Christian tribals. The BJP lost Jharkhand not because of tribal vote loss, but because of vote loss among OBCs and upper castes due to variety of local factors like unemployment, dissatisfaction with CM, complacency, internal politics and others. The party did retain and add onto its Hindu tribal and SC vote-banks.

B. UK ELECTIONS:

- The UK elections results were a major milestone in British politics, as well as an encouragement to a conservative, anti-immigrant outlook the world over.

- Boris Johnson's Conservative Party won 365 seats in the election, well past the majority mark of 326 seats out of 650 seats. The Labour Party, led by Jeremy Corbyn, won 203 seats, while the Scottish National Party (SNP), led by Nicola Sturgeon, won 48 seats. The Liberal Democrats stagnated at 11 seats.

- The Conservatives gained 47 seats from their 2017 tally, while the Labour lost 59 seats from 2017. SNP gained 13 seats.

- The vote share of Conservatives was 43.6%, just an increase of about 1% over their 42.3% vote share of 2017. The Labour, on the other hand, lost almost 8% vote share, getting a vote share of 32.2%, compared to their 2017 vote share of 40%.

- There were at least 24 constituencies which the Conservatives won from the Labour strongholds – seats which had been held by the Labour party historically for decades.

- This was Labour Party's worst performance since 1935. The party ended up even losing its working-class heartlands in northern and central England to the Tories.

- The main reason was that this election was fought on the plank of Brexit, with Johnson appealing to people with the simple message of ‘Get Brexit done’, even as Labour was caught in a bind about what to do. The Labour could never formulate their position clearly, appearing to be against Johnson’s formulation of Brexit but without any clear plan of their own. The Labour Party indicated that they support Brexit after yet another national referendum, thereby complicating the picture compared to Johnson’s clear planning.

- As a result, the Labour lost heavily in its strongholds among working class people. The working-class people had overwhelmingly voted in favour of Brexit or leaving the European Union. These constituted typically low-skilled white working-class populace, who felt that being a part of EU has resulted in flooding of immigrants from places in eastern Europe who threatened their jobs.

- The vote in favour of SNP may mean the revival of pro-Independence sentiment in Scotland. While in a referendum in 2014, Scotland had narrowly voted against Independence from Great Britain, the Scottish are largely in favour of remaining with the EU. Therefore, once the Brexit process is facilitated, SNP will get further boost in reviving the pro-Independence sentiment.

- This time, significantly, the Indian vote was also polarized and consciously directed against the Labour party, due to Corbyn’s anti-India and pro-Pakistan stand on issues like Kashmir. Various Indian organizations worked to identify at least 80 seats plus 30 marginals where the Indian vote could be influenced. While there is no data on how Indians swung the vote in all these seats, yet substantial presence of more Indian voters in certain seats did make a difference from 2017 results (TNN, 2019).

- That Indian polarization was going strong could be gleaned from the fact that prior to the elections, British Labour representatives complained that overseas wings of BJP were trying to meddle in the UK elections.

C. IMPEACHMENT DRAMA IN THE US:

- This month saw US President, Donald Trump, being finally impeached in the House of Representatives, which is dominated by the Democrats.

- Two articles of impeachment were passed against him:

- > **Abuse of Authority:** This relates to Trump's alleged threat to the Ukrainian President that he would withhold military aid of about 400 million USD and a White House visit to the latter, unless Ukraine investigates commercial interests of Joe Biden's (a Democratic leader and Vice-President under Obama) son, Hunter, in Ukraine, especially during the time when Biden was the Vice President. This, Democrats, allege places personal interests above national security concerns.

For this motion, the House voted with 230 in favour and 197 against it.

- > **Obstruction of Congress:** This relates to Trump refusing to cooperate with the House of Representatives in its investigations into the Ukraine issue, with Trump also asking other White House officials not to cooperate.

For this motion, the House voted with 229 in favour and 198 against it.

- The actual charges are controversial and the Trump camp refuses to believe that getting Biden investigated was done for personal interest – the key point here is not only that Trump had asked Ukrainian President to investigate Biden, but also that

there was likely something genuinely amiss in Biden family's commercial interests in Ukraine that warranted such an investigation. The Republican camp alleges that this investigation was needed in national interest. Also, while Trump may have threatened to withhold military aid, it was eventually released.

- The overall picture is, therefore, murky. That is why Trump's narrative that this was a witch-hunt may have struck chord with the popular opinion, since the Democrats had been unsuccessfully trying to impeach him since 2017 through the Mueller Report.

- Also, this impeachment drama has been one of a kind. While Trump may have been only the third President in US history to be impeached, this was one instance where there was unprecedented polarization. Trump will likely go down as the only President in US politics to win his party's wholesale support for re-election nomination even after this impeachment.

- On the one hand, almost all the Democrats in the House – except the two who represented constituencies which had been swept by Trump in 2016 elections and other than Tulsi Gabbard who neither voted for nor against the Articles – voted in favour of impeachment.

- On the other hand, all Republicans voted against it. The vote was not at all bipartisan. Therefore, for the first time, this level of polarization and bitterness is being seen in US politics, dividing the political space right through the middle along clear party lines.

- This divide and the lack of support of any Republican for the impeachment motion further dents the effort of Democrats, making it look as if this is just being done by Democrats for

political purposes.

- This impression is further reinforced since after the House impeachment, the House Speaker, Nancy Pelosi, calculatedly refused to send the Articles of impeachment to the Senate in order to complete the impeachment process. Ultimately, Senate would assume the role of a jury to vote on the Articles of impeachment, where the impeachment motion would need to pass through a 2/3rd majority to be successful. However, the Senate is Republican dominated. The Democrats would need at least 20 Republicans to defect to their side for the impeachment to succeed – which they know is not going to happen.

- Trump ideally wanted the impeachment process to be completed fast, so that after the acquittal by the Senate, he could go to the voters to ridicule the failed impeachment bid by the Democrats as a political witch-hunt. But Democrats' refusal to send the impeachment motion to Senate has left the matter hanging.

- However, even this scenario seems to be working out in Trump's favour. It does not prevent him from discharging his usual Presidential powers and the message is still being conveyed to the voters that this impeachment business was nothing but a political gimmick, and not sincere. The Democrats were keeping it hanging as they knew it would be defeated in Senate.

- When all this is seen along with the larger developments in US politics that Democrats are themselves losing the narrative over their core ideology – with increasing accusations of anti-Semitism etc. against them due to controversial new Representatives – the sympathy for Trump goes up.

- The Democratic Party ideology has always been centrist and liberal, but thanks to Bernie Sanders and fringe newcomers,

there has been a palpable left-wing shift – which many white voters and conservative elite sections of non-whites like Indian-Americans – do not empathize with. Today, the Democrats’ best bet against Trump are leaders with fringe ideology like Sanders and Elizabeth Warren – the latter’s popularity being purely a put-on aura created through sympathetic efforts by the liberal anti-Trump mainstream media through debates etc.

- All of this explains why the public support for Trump continues to be strong, hovering at around 50%. Interestingly, the public opinion polls show that the public support for Trump has gone up after the impeachment, showing that far from worsening his political prospects, the impeachment bid may have actually strengthened them – all this, in spite of a mainstream media that hates Trump.

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The Europeanised Indians

“... the Europeanised man has no backbone, he is a mass of heterogeneous ideas picked up at random from every source — and these ideas are unassimilated, undigested, unharmonised. He does not stand on his own feet, and his head is turning round and round.... His schemes of reforms, his vehement vituperations against the evils of certain social customs, have, as the mainspring, some European patronage. Why are some of our customs called evils? Because the Europeans say so. That is about the reason he gives. I would not submit to that. Stand and die in your own strength, if there is any sin in the world, it is weakness; avoid all weakness, for weakness is sin, weakness is death.... The secret of a true Hindu’s character lies in the subordination of his knowledge of European sciences and learning, of his wealth, position, and name, to that one principal theme which is inborn in every Hindu child — the spirituality and purity of the race.”

— Swami Vivekananda

(Complete Works of Swami Vivekananda, Vol. 3, pp. 152-53)