

Citizenship (Amendment) Bill, 2016 What to do now?

By: Dr. Khomdon Lisam

What is the Citizenship (Amendment) Bill, 2016?

The original Citizenship (Amendment) Bill (CAB), 2016 was introduced in the Lok Sabha on 19 July 2016 by the Government of India. The Citizenship (Amendment) Bill (CAB), 2016 passed by the Lok Sabha on 8 January, 2019 seeks to amend the Citizenship Act, 1955 to provide citizenship to illegal migrants from Afghanistan, Bangladesh and Pakistan, who are of Hindu, Sikh, Buddhist, Jain, Parsi or Christian. It doesn't have any provision for Muslims. The Bill also seeks to reduce the requirement of 11 years of continuous stay in the country to six years to obtain citizenship by naturalisation. The Bill covers all the States and Union Territories.

What are the main objects/ reasons of the Citizenship (Amendment) Bill, 2016

The Citizenship Act, 1955 was enacted to provide for the acquisition and determination of Indian citizenship. Under the existing provisions of the Citizenship (Amendment) Bill (CAB), 2016, persons belonging to the minority communities, such as Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, who have either entered into India without valid travel documents or the validity of their documents have expired are regarded as illegal migrants and hence ineligible to apply for Indian citizenship. It is proposed to make them eligible for applying for Indian citizenship.

Many persons of Indian origin including persons belonging to the aforesaid minority communities from the aforesaid countries have been applying for citizenship under section

5 of the Act but are unable to produce proof of their Indian origin. Hence, they are forced to apply for citizenship by naturalisation under section 6 of the Act, which, inter alia, prescribes twelve years residency as qualification for naturalisation in terms of the Third Schedule to the Act. This denies them many opportunities and advantages that may accrue only to the citizens of India, even though they are likely to stay in India permanently. It is proposed to amend the Third Schedule to the Act to make the applicants belonging to minority communities from the aforesaid countries eligible for citizenship by naturalisation in seven years instead of the existing twelve years.

Who are illegal immigrants?

According to the Citizenship Act, 1955, an illegal immigrant as defined in section 2(1)(b) of the Act is a foreigner who entered India (i) without a valid passport or other prescribed travel documents or (ii) with a valid passport or other prescribed travel documents but remains in India beyond the permitted period of time.

Why is the BJP led Government so much interested in the Bill?

In the General Election Manifesto during 2014, the BJP had promised to welcome the Hindu refugees and give shelter to them and grant citizenship to Hindus persecuted in the neighbouring countries. Hence it may be seen as a part of the fulfillment of the BJP's election promise to the people.

What is NRC?

The National Register of Citizens (NRC) is meant to identify a bona fide citizen. By the order of the Supreme Court of India, NRC is being currently

updated in Assam to detect Bangladeshi nationals who might have entered the State illegally after the midnight of March 24, 1971. The date was decided in the 1985 Assam Accord, which was signed between the then Prime Minister Rajiv Gandhi and the All Assam Students' Union (AASU). The NRC was first published after the 1951 Census in the independent India when parts of Assam went to East Pakistan, now Bangladesh. The first draft of the updated list was concluded by 31 December, 2017.

Important Points of the NRC (NRC) More than 40 lakh people were left out of the final draft of Assam NRC. Those people can appeal/object after 30 August, 2018.

They will not be deemed as citizens of India if there names aren't included in the final register.

The final draft of Assam's National Register of Citizens (NRC) was published on 7 August, 2018. Out of the 3.29 crore people who have applied to become a part of the NRC, 2.89 crore were identified as valid citizens. More than 40 lakh citizens have been found to be invalid citizens of India.

The NRC is being compiled under the orders of the Supreme Court of India to identify illegal foreigners residing in Assam. Panic spread in Assam soon after officials announced that more than 40 lakh people were not included in the National Register of Citizens (NRC). However, the officials reiterated that it is just a draft and this is not the final register. They said that people who haven't been included in the NRC can appeal and present objections.

Those whose names weren't there in the draft register will have the legal right to apply again by filing a claim between 30 August and 28 September, 2018.

Once the final NRC is published, those whose names aren't in the final register will not be deemed as Indian citizens. These people will then have to approach the foreigners tribunals to fight for their citizenship. Home Minister Rajnath Singh said, "Everyone will have an opportunity to file claims/objections as per provision in law. Only after the disposal of claims and objections, the final NRC will be published."

How will the Bill affect the updated NRC list?

The sole purpose of the bill is to grant citizenship to illegal migrants from Afghanistan, Bangladesh and Pakistan, who are of Hindu, Sikh, Buddhist, Jain, Parsi or Christian. It doesn't have any provision for Muslims. The Bill will operate on the basis of religion. But NRC does not distinguish migrants on the basis of religion. NRC will consider deporting anyone irrespective of religion who has entered the State illegally after 24 March, 1971. When the Bill becomes an Act, the non-Muslims migrants becomes automatically bona fide citizens of India nullifying 1985 Assam Accord, which was signed between the then Prime Minister Rajiv Gandhi and the All Assam Students Union (AASU) and contradicting or superseding the NRC. It means that Assamese will continue to face the threat of becoming minority in their own state and the other states like Meghalaya, Nagaland, Manipur, Tripura, Arunachal Pradesh will share the burden of massive influx of illegal migrants.

Statement of the Prime Minister

The Prime Minister Shri Narendra Modi said India needs the Citizenship (Amendment) Bill (CAB)-2016 to give relief to Hindu, Sikh, Buddhist, Jain, Parsi or Christian who are persecuted in Afghanistan, Bangladesh and Pakistan and as "atonement for the wrongs of Partition".

On 9 January, 2019 Prime Minister Narendra Modi, addressing a rally in Maharashtra reached out to the North Eastern states on the Citizenship Bill, which has caused a rift between the BJP and its allies in the North Eastern states. "I want to assure my brother

and sisters of Assam and the Northeast, the youth there, that their rights will not be harmed," the Prime Minister said.

Statement of the Home Minister Rajnath Singh

On 8 January, 2019, the Home Minister Rajnath Singh asserted that the bill was not against the provisions of the Constitution and would give succour to persecuted minorities in three neighbouring countries as they "have no place to go to, except India." He said "The proposed law will not be confined to Assam alone. The burden of those persecuted migrants will be shared by the whole country. Assam alone should not have to bear the entire burden. The Government of India is committed to give all help to the State Government and people of Assam."

During the nearly three-hour debate, the Union Home Minister said the Union Cabinet has also approved grant of Scheduled Tribe (ST) status to six communities of Assam namely, Tai Ahom, Koch Rajbongshi, Chutia, Tea Tribes, Moran and Matak.

We need to check up whether whatever assurances given by the Union Home Minister is included in the original Bill passed by the Lok Sabha. If it is included, then it may be true. If it is not included, the Union Home Minister has no competency to modify the original Bill passed by the Lok Sabha. But he can modify it through the Joint Parliamentary Committee of the Rajya Sabha.

What is the present status of the Bill?

On 15 July, 2016, the Citizenship (Amendment) Bill (CAB), 2016 was introduced in the Lok Sabha. On 31 July, 2016, the Lok Sabha referred the Citizenship (Amendment) Bill, 2016 to the Joint Select Committee. The committee was given time till the first day of the last week of the Winter Session of Lok Sabha to submit its report. Generally, the Winter Session of Parliament begins in November. However, the First Day Of Winter Session, Lok Sabha was adjourned after Obituary references to Atal Bihari Vajpayee, Somnath Chatterjee and Union Minister Ananth Kumar. The Winter Session of Parliament began 11 December, 2018 (Tuesday) and end on 8 January, 2019. The Joint Select Committee submitted its recommendations on the Citizenship (Amendment) Bill (CAB), 2016 to the Lok Sabha on 7 January, 2019. Based on its recommendations a fresh bill was introduced and was passed by the Lok Sabha on 8 January, 2019. The Bill is yet to be passed by the Rajya Sabha and assented by the President of India.

How did the Joint Select Committee examine the Bill?

The 16-member Joint Select Committee, headed by BJP MP Rajendra Agarwal had interviewed many people and conducted some field studies. During the course of its examination and field study visits, the committee met a cross section of people in Gujarat, Rajasthan, Assam and Meghalaya and heard views of organisations, individuals, experts and others. They had recently conducted public hearings in Guwahati, Silchar in Assam and Shillong in Meghalaya to gather opinion of the people on the proposed bill. The committee also heard the views of the chief secretaries and police chiefs of Assam, Bihar, Gujarat, Jharkhand, Maharashtra and West Bengal. The committee took six extensions from the Speaker of the Lok Sabha to enable them to complete the study before the winter session.

The members of the Joint Select Committee visited Barak Valley, the Bengali-majority area of Assam, and Meghalaya to discuss it with various organisations. They reportedly spoke to about 200 organisations. They have not visited Manipur.

Oppositions to the Bill

On the day of passing the bill by the Lok Sabha, the opposition members opposed the bill saying it as "divisive and flawed". The Bill is

receiving vehement opposition from all the States of North East (NE) including Assam, Meghalaya, Mizoram, Nagaland, Manipur. A large section of people, organisations in the North East (NE) have opposed the bill saying "it will nullify the provisions of the Assam Accord of 1985, which fixed March 24, 1971 as the cut-off date for deportation of all illegal immigrants irrespective of religion."

Hidden Agenda of the Government of India

The hidden Agenda of the Government of India may be to replace the mongoloid population with Aryan population. The strategy they have adopted is through population invasion - a war without arms. Prevent the people of North East from being united. The greatest fear of India is the emergence of an united north east. Therefore, the main focus of the mainland Indians is how to keep the North East people divided in the name of Political Parties, Ethnicity, Religion. They will be very happy if any civil war erupts in North East India.

The Chicken neck of 21-40 km between Garo Hills and Siliguri is another cause of worry. This is only 180 km away from the Chinese military camp. Once this is blocked, the rest of India is cut off. North East is a sleeping giant. It is self sufficient in all respects to be an independent sovereign country producing petrol, diesel, iron, coal, gas, tea for the last more than 100 years. Once it wakes up from slumber, that may be the end of India.

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Oppositions to the Bill in the North East

The people of the North East (NE) view the Bill as a threat to the very existence of indigenous peoples in the North East (NE). Many student organizations expressed that "We will not accept any law which will take away our rights as indigenous people. It is a threat to our national security and a threat to our own existence. They raise a question : Why do the Government of India using NE as a dumping ground for the illegal immigrants. It is a complete mockery of the constitution of India." A memorandum submitted to Rajendra Agarwal, Member of Parliament, Chairman, Joint Select Committee on Citizenship (Amendment) Bill 2016 through the Nagaland Governor also maintained that the crisis arising out of the unabated influx of illegal migrants from Bangladesh has brought about serious demographic changes in the North East region in particular, and other parts of the country in general. The continued and unabated influx of refugees and undocumented illegal migrants from the neighbouring countries has further threatened the existence of indigenous people in respect of their cultural, social, economic and political identity, the memo read.

Response of Arunachal Pradesh

In Itanagar, members of the All Arunachal Pradesh Students' Union (AAPSU) said they would continue the stir till the time the government concedes to their demands. The AAPSU President Hava Bagang said the Centre had no regard for the indigenous people of the region. "The proposed bill is one among the many examples that show the lawmakers in our country have no or very little regard for the indigenous populace of Arunachal Pradesh and the entire North East region," he said. The AAPSU would organize more such democratic movements, under the aegis of Northeast Students' Organization (NESO), in the interest of the indigenous people. The Bangladeshi refugees, who have

been residing illegally in our state, would be asked to leave, he said. "We will soon serve notices to all the Bangladeshis, who have sneaked into our state, after the National Register of Citizens (NRC) draft was released in Assam."

Response of the Assam

Rajendra Agarwal, BJP MP, head of the 16-member Joint Select Parliamentary Committee during a public hearing in Shillong on 10 May 2018 said that the views and recommendations would be compiled in a report and submitted to Parliament. On 23 October, 2018, 46 organisations in Assam called a 12-hour bandh to protest against the Centre's bid to pass the proposed legislation in the forthcoming session of Parliament.

On 17 November, 2018, 28 ethnic communities took out a torchlight rally demanding immediate withdrawal of the Bill. On 16 January, 2019 Sarbananda Sonowal, Chief Minister of Assam said "The people of Assam have made me the chief minister with lots of trust and confidence. I have not come here to betray them. I shall work for the development of Assam till the last moment," said the chief minister while addressing a meeting at Dhubri in Assam. The pressure increased on Mr Sonowal after the state government of Meghalaya, Manipur, Mizoram and Nagaland opposed the bill. The Assam Gana Parishad (AGP), who is the BJP's coalition partner in the Government has threatened to cut ties with the party if the Bill is passed. The AGP considers the Bill to work against "the cultural and linguistic identity of the indigenous people of the State". The Students' Organisation such as All Assam Students' Union (AASU) and Civil Society Organisation such as the Krishak Mukti Sangram Samiti also have opposed the Bill. They have organised a number of Bandhs and strikes.

The people are not happy when Prime Minister Narendra Modi's address in Silchar that "the Citizenship Bill is an atonement of the wrong that was done during India's Partition."

While quitting the alliance with the Bharatiya Janata Party (BJP) in Assam, the Asom Gana Parishad (AGP) who was a signatory of Assam Accord-1985 said "as per the accord, all illegal immigrants, irrespective of religion, have to be deported and this Bill violates the Assam accord-1985. The Clause 6 of the Assam Accord states "constitutional, legislative and administrative safeguards, as may be appropriate, shall be provided to protect, preserve and promote the cultural, social, linguistic identity and heritage of the Assamese people". The people of Assam feel that the Citizenship (Amendment) Bill-2016 will nullify the Assam Accord-1985. On 8 January, 2019 agitators clashed with the police, gheraoed Chief Minister Sarbananda Sonowal's house at his native place in Dibrugarh, blocked national highways and damaged vehicles in Assam during the 'bandh'. The All Assam Students' Union (AASU) activists tried to ransack a BJP office in Dibrugarh, prompting security forces to resort to lathicharge and fire rubber bullets.

Assam is the gateway to all other states of North East. When 40 lakh illegal migrants are in trouble in Assam, they are most likely to seek shelter to any other neighbouring places like Manipur, Meghalaya, Nagaland, Mizoram, Tripura etc. Arunachal Pradesh, Nagaland, Mizoram are having Bengal Eastern Frontier Regulation Act-1873 in operation restricting entry of outsiders and their land are protected as the people are Scheduled Tribes under Article 342 of Indian Constitution. Their preferred destination will be Manipur where there is no restriction. The climate is comfortable, Job opportunities are good and the food is good.

(To be Contd.....)

PEMS

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I'm sorry

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When I say it about, I mean it properly
When I mention it something, I mean it exactly
When I say words heavily, I mean it seriously
When I say words hastily, I mean it may be false
When I say loudly, I mean it someone has lies
When I say suddenly, I mean it by pressuring
When I say with tone, I mean it their attitude
When I say verbally loose, I mean it their favorites
When I mention it repeatedly, I mean exactly theirs
When I say it breaking, I mean it not confidently
When I say it seeing again, I mean it regretting
I'm sorry and always am sorry, when I mean it, it's ok.

When I say enforcing, I mean its happening
When I say it a purpose, I mean it definitely true
When I say it like a motive, I mean it something to understand
When I mention it twice, I mean it exactly what I want
When I say it murmuring, I mean I don't want it any longer
When I say it quickly, I mean it to stop immediately
When I gossip about it, I mean it 'm totally wrong
When I shout about it, I mean it exactly I hate those
When I'm angrier, I mean it truly I'm letting it go
When I say it wishing best, I mean it breaking from within
I'm sorry and always am sorry, when I mean it, it's ok.

When I say, I hate it; I mean it more valuable
When I mention love, I mean it basically 'PEACE'
When I say it hurting, I mean it for the love ones
When I abuse it too much, I mean it I care it for better
When I say still, I mean it I'm engaging lots
When I speak less, I mean it letting it go ahead of 'mine'
When I say it with eye, I mean it connecting right 'Yes'
When I mention dirty words, I mean it exactly the 'Truth'
When I say it smiles, I mean it; I haven't left dirt on it
When I say I'm happy, I mean it something incomplete
I'm sorry and always am sorry, when I mean it, it's ok.

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