

A SHORT TUTORIAL

ON

NPR - NRC - CAA

1. What is NRC?

- NRC is a register with names and details of Indians living in or outside India. NRC includes State NRC, District NRC, Sub- District NRC and Local NRC.ⁱ

2. What is NPR?

- NPR is the register with names and details of all residents (citizens and non-citizens) of India.ⁱⁱ

3. Are NRC and NPR interconnected?

- Yes. First NPR is prepared, then after checking the authenticity of the details in it, NRC is prepared.

4. More information might help.

- NRC will contain the following information: (i) Name, (ii) Father's Name, (iii) Mother's Name, (iv) Sex, (v) Date of Birth, (vi) Place of birth, (vii) Address (permanent and current), (viii) Marital Status, (ix) Any visible mark on the body (x) Date on which name was registered in the national register (xi) Registration number of the citizen (xii) Number on national identity proof. (This is the rule framed in 2003. If NRC comes into being now it will also contain the biometry of the person).ⁱⁱⁱ
NPR was introduced by central government to collect all information mentioned above.^{iv}
- Head of family will have to provide all details regarding own and other family members to the NPR authority.^v
- After scrutinizing all the details provided in the NPR a person's name will be included in the NRC.
- Any mismatch in the data of a person will make that person a 'doubtful' citizen and there will be further investigation.^{vi}

5. When did NRC and NPR come into scene?

- In 2003 Atal Bihari Bajpayee's government brought an amendment in the citizenship law of 1955. This change was implemented through article 14. A. This clause

mentions an all India NRC for the first time. Based on this clause The Citizenship (Registration of Citizens and Issues of National Identity Card) Rules, 2003 were framed. They contain detailed description of NRC and NPR.

(It may be mentioned in this context that to pass an Act the consent of the Parliament is necessary. But the rules under an Act can be made by the government without reference to Parliament and such rules are almost never discussed in Parliament)

6.What is CAA and CAB?

- They both are the same thing. Once a law is drafted and placed before the Parliament it is called a Bill. Once a Bill is passed in Parliament and gets the consent of the President of India it becomes an Act. CAB was passed by both houses of Parliament in 2019 and with the consent of the President became CAA. CAB was also proposed in 2016 but it did not get passed in Rajya Sabha and it was referred to a Joint Parliamentary Committee (JPC) for scrutiny. That committee placed a report in January 2019. The same bill was placed in parliament again in 2019 and passed. CAB therefore became CAA. This time it was not referred to any committee.

7. What does CAA say?

- It says that Hindus, Buddhists, Jains, Sikhs, Parsees and Christians who have come from Bangladesh, Pakistan and Afghanistan on or before 31/12/2013 because of religious persecution or in fear of religious persecution will not be considered to be illegal immigrants^{vii}. If they have stayed in India for 5 years or more and if they qualify according to the third schedule of our constitution then they will be declared citizens of India through the principle of ‘naturalisation’.^{viii} (In India people can be citizens through the following means: by birth, by inheritance, by naturalisation or by registration).

8. But the government is saying that they have not thought anything yet about NRC and NRC will not be implemented now? The government is also saying that CAA is not related to NRC.

- There is only one answer to the first question, the government is lying. In answer to question 4 we have already said that clause 3(4) of Citizenship (Registration of Citizens and Issue of National Identity Card) Rules, 2003 states that in order to create NRC the Central Government had ordered to prepare NPR. Then again on 31 July 2019 through an Extraordinary Gazette Notification the government has announced that between April 2020 and September 2020 NPR will be prepared in the whole country (except Assam). The recently published NPR Manual of 2020, repeats the same.^{ix} According to law NPR is the first step to NRC. This means that once NPR starts, NRC has started. And the best proof is what the Home Minister himself said on the floor of the Parliament “accept that NRC is coming to the whole country”.^x

- The answer to the second question is also that the government is lying. Previously all the important ministers at the centre had connected the two in their statements. Just search – who is linking Citizenship Act to NRC? Here are five times Amit Shah did so (<http://scroll.in/article/947436/who-is-linking-citizenship-act-to-nrc-here-are-five-times-amit-shah-did-so>) and in West Bengal everyone knows that the BJP leaders are going from door to door telling the Hindus “don’t worry. If your name is left out of NRC we will include it through CAA”.

9. Why would a name be excluded from the NRC?

- This needs some explanation. We have already said that NRC is the register of the names and other information regarding the citizens. 2003 rules state that NPR will be constructed first. All the 12 data required (as mentioned above in answer to question 4) together with any other information that the government may require will have to be provided. Subsequently in the course of constructing the NRC the information will be verified and then only names will be included in NRC.
- 12 details have to be provided as mentioned in answer to question 4 above. NRC has never been constructed before so the last three of the twelve details that have been sought are not available with anyone. These are the main proof of citizenship under NRC. Of the remaining nine almost all are available with Aadhar (voter card also contains some of the information). But the government has said time and again that neither the Aadhar card nor the voter card are proof of citizenship.
- A number of leaders are saying that NPR will record citizenship through aadhar card and voter card. Then how can one be excluded from NRC? This is a complete misconception. The NPR manual of 2020 clearly states that if one records one’s nationality as Indian in NPR it does not make one an Indian. NPR will record whatever nationality one demands. But this will not make one an Indian citizen.^{xi}
In other words, in spite of NPR one will have to separately prove one’s nationality to be enlisted in the NRC. NPR is being created in order to determine what evidence will be required to prove citizenship.

10. How will one prove that one is an Indian citizen?

- This is rather complicated. Article 5 to 8 of our constitution state who the citizens of India are. Of these Art. 5 and 6 are particularly important.
 - 5A: if a permanent resident of India was born here the person shall be a citizen of India
 - 5B: if either of the parents of a permanent resident of India was born here the person shall be a citizen of India.
 - 5C: those who were resident in India for at least 5 years prior to the adoption of the constitution shall be citizens of India.
 - 6: if a person resident in the areas included in Pakistan (currently Pakistan and Bangladesh) came to India by 19th July, 1948 and if that person or any of the parents or grandparents of the person were born in undivided India then the person is a citizen.
 - 6C: if a person came to India after 19th July 1948 and applied for and was granted citizenship by the GOI before the adoption of the constitution, following all rules the person shall be deemed a citizen.(Obviously those entering the country after

adoption of the constitution shall be granted citizenship according to the constitution.)

- Our constitution was adopted on 26th January, 1950 and the Citizenship Act was passed in 1955. Hence, according to the constitution and the citizenship Act of 1955 those born in India after 26th January 1950 shall be citizens of this country.
- The congress government under Rajiv Gandhi amended the Act in 1986. By this Act, either of the parents of a person born in India after 1st July 1957 must be a citizen for the person to be deemed a citizen.
- Further amended by the BJP government under Bajpai in 2003. Not only must one of the parents be a citizen but the other must not be an illegal immigrant.
- All these changes have been integrated into clause 3 of the Citizenship Act, amended in 2003, which summarises all the conditions of citizenship. Those born in India between 26th January, 1950 and 1st July, 1987 are citizens. Those born in India between 1st July, 1987 and 3rd December, 2004 are citizens if either of their parents is a citizen of the country. For those born in India from 3rd December, 1950 till date, either of their parents has to be a citizen and the other parent must not be an illegal immigrant for the person to be a citizen of India.^{xii}

11. This seems to be a very complicated issue?

- True. Because no one tried to draw up the NRC before, people do not have the requisite documents. If now someone born between 1987 and 2003 has to register in NRC then it is not sufficient for that person to prove that one was born in India; in addition one must prove that one of the parents, at least was a valid citizen. If one was born after 2003, then, in addition, one must prove that the parent who is not a citizen was not an illegal migrant. That is one must prove one's citizenship through a process that involves proof of the citizenship of the parents. I am saying this because it is practically impossible for an average person to get permanent residency visa in India. Only foreigners with high net worth (investing INR 10 Cr in 18 months or 25 Cr in 36 months can easily avail of this facility).

12. To prove citizenship what documents will I have to show?

- GOI has not as yet stated what documents will be necessary. But the government has performed the exercise in Assam for the last few years at a cost of more than INR 1200Cr. GOI has prepared a model set for Assam. It is likely that there will be differences between this set and the all India model, but one can get some idea from the Assam model.
- The Assam model said that in order to be registered in the NRC two documents would have to be provided. Two separate lists were drawn up for this purpose.
 - The first document must be one from the 14 documents under List A. In the case of Assam these documents had to be dated to before 24th March, 1971. PM Rajiv Gandhi had signed the Assam Accord in 1985, which provided for the exclusion of immigrants after 24th March, 1971 from citizenship, in order, it was said, to preserve the cultural identity of the state. One has to show one of these 14 documents in one's own name or the name of one's ancestors.

- List A

1. 1951 NRC
2. Voters' lists before 1971
3. Land ownership or tenancy certificate.
4. Certificate of citizenship
5. Certificate of permanent residency
6. Certificate of enrollment as refugee
7. Passport
8. LIC certificate
9. License or any certificate granted by the government
10. Certificate of government employment
11. Bank or Post Office account
12. Birth certificate
13. Board or university certificate
14. Court document

Apart from these 14 documents two other documents may be permissible: (a) certificate from the Gram Panchayat or Circle Officer authenticating change of address of females after marriage; (b) ration card dating to before 24th March 1971. But these two documents would be permissible only on condition that these were vouched for by a person who had provided at least one document in List A.

- List B: if one's name is not verified by list A but someone belonging to one's previous generations is verified by List A document, then the person will have to prove the relationship with the listed person with documents in List B
 1. Birth certificate
 2. Document of birth
 3. Board or university certificate
 4. Bank, LIC or Post Office savings proof.
 5. Panchayat or Circle Office certificate (in case of married women)
 6. Voters' list
 7. Ration card
 8. Other legally acceptable documents^{xiii}

In 1951 detailed NRC exercise was carried out only in Assam so the question of document 1 in List A does not arise. Item 6 is also unlikely to be there as the RSS-BJP has been alleging that in West Bengal the CPIM and the TMC have issued voter ID to infiltrators from Bangladesh to increase their vote banks. We are repeatedly being told that voter ID is not proof of citizenship. If one cannot prove one's citizenship then it will be assumed that the voter ID has been falsely obtained.^{xiv}

If someone can show the name of a grandparent in an old voters' list (it must be as old as 1971, at least, to avoid the presence of infiltrators) then one must produce some document under List B to show that the listed person is really the grand parent.

13. What if the GOI introduces some simpler rules?

- How can the government do this? This would then legalise all infiltrators. Even those not hailing from Pakistan, Bangladesh and Afghanistan can forge evidence of birth and residence to get citizenship. Those who claim that the

reason behind the exercise is to ensure security would scarce do such a thing. Besides there is a stringent Citizenship Act in force. The government cannot frame rules violating that Act.

So whichever way you look at it will be impossible to be listed in NRC without papers like realty deed, proof of permanent residence of parents or grandparents, post office or bank pass book or school, college certificates.

14. But most people do not have such documents!

- True. Irrespective of race and religion most people will face tremendous difficulty. The poor will be most challenged. The lower castes, tribes and women will face the greatest hurdles. Most people have no immovable property. Add to this the fact that more than 25% of the population is illiterate. Among the youth of the country, less than 6% enter colleges. The concept of private property is still non-existent among much of the tribal population. They have no conception of documents and deeds. Where they do exist they would not be older than 20-25 years. Such would not qualify. Most have no savings accounts.
- True that those born before 1987 will not have to provide proof of parents citizenship, but how many poor people born before 1987 obtained birth certificates? Even the rural rich rarely obtained such certificates.
- Females will face the greatest difficulty. Females usually change residence after marriage. How will they prove this? How will elderly females procure evidence of residence change? In Assam the authorities demanded village Panchayat certificates to this effect. Leave alone the question of elderly, how many of the young wives have ever obtained such certificates? Countless people will suffer the indignity of being denied citizenship. In the attempt to procure proof of citizenship the daily wage labourers, who in any case live on the edge, will lose many workdays as they run around.

15. What will happen if one is not listed in the NRC?

- If one is not listed in the NRC it means that one is not a citizen of India. All the rights that one enjoyed will be abrogated. The person will lose one's dwelling, one's job, the right to vote, ration card, virtually everything. One will be denied all rights.
- In this situation one will have to appeal to the Foreigner's Tribunal for restitution of rights. These Tribunals have quasi-judicial status. The members of such Tribunals need not have any legal training. In many places in Assam bureaucrats performed this function. Hearings are also not public. In most cases there are no legally trained public prosecutors, which is essential for proper judgement.^{xv} Here their cases will be judged. If their name is not cleared for inclusion at this stage, they will be given the opportunity to adduce further documents to substantiate their claim to citizenship. If the Tribunal is still not satisfied, they will be sent to detention camps. Those who do not appeal will be taken to detention camps. (Those interested may search the net for information regarding the nature of such camps; how many people have died in these camps; the nature of detention camps in Nazi Germany; etc.)

16. How many people have been excluded from the NRC in Assam?

- **Over 19 lakh people have been excluded from the NRC in Assam.** They are now being taken away to detention camps. Some of these cases have come to light in newspapers and from these we get an inkling of the terrifying nature of the problem. One such case was that of daily wage labourer Sarojini Hajong, which was published in Anandabazar Patrika. She was working as a daily labourer employed in the construction of a detention camp. Grotesquely, her name did not appear in the NRC. Effectively she had built her own jail. Newspapers also reported the deaths of Dulal Das and Falu Pal in detention camps. After their deaths their families refused to accept their bodies. The paradox was that the names of all their family members appeared in the NRC. Their families said that if they were indeed infiltrators their bodies should be sent to Bangladesh.
- One may mention an interesting piece of information in this context. According to official statistics of GOI the population growth rate of Assam between 1901 and 1971 was greater than the growth rate of India. So one may assume that there was a lot of infiltration into Assam during this period. But by the Assam Accord all who have entered Assam by 24th March, 1971 are deemed legal citizens, of course subject to the satisfaction of the authorities (which is fraught with all sorts of difficulties as pointed out already). The same source shows that between 1971 and 2011 the rate of growth of population in Assam was less than the all India average. This was even less than that of the north eastern states together. So we can assume that during this period there was insignificant migration.^{xvi} In all probability the movement against non-Assamese was so intense in this period that it deterred immigration. One can gauge the intensity and spread of the movement by a cursory surfing of the net.
- **Then who are these 19 lakh people?** Without doubt these are the people who are legal inhabitants of Assam, according to the terms of the accord, but have not been able to provide documents deemed to be proof of residence prior to 1971.^{xvii} Most of these people are likely to be economically marginal, women and tribals, for reasons already stated.

17. But what about the repeated assurances from BJP-RSS leaders that the Hindus who have been excluded will be included through CAA?

- In that case even people from Myanmar may be regularised through fraudulent documents. The matter is not that simple. First of all we have to understand that the government has declared that the 2019 CAA is based on 2016 CAB.^{xviii} A look at the two will convince anyone that there is no mentionable difference. Hence, one can presume that the answers given to questions that are contained in the 438 page report of the JPC (that was constituted to go into CAB, 2016) tabled in January, 2019 apply to CAA, 2019. Let us see what this report has to say on this issue.

- The committee enquired how the veracity of claims of people who said or would say in future that they had migrated to India from Pakistan, Bangladesh or Pakistan for fear of religious persecution would be verified.
 - In answer the IB stated that in the case of those who had migrated decades ago, particularly immediately after partition, claimants did not have requisite papers and, hence, it would be difficult to verify their claims. In the case of these old applicants it was recorded that further enquiries would be made by the IB and local *thanas* as to whether they have been involved in any illegal activities.^{xix} Apart from these, all others are new applicants
 - In the case of new applicants who claimed religious persecution in their country of origin, the claims would be properly investigated through due process before grant of citizenship. The IB also said that towards this end the Home Ministry was drawing up a Standard Operating Procedure (SOP) for verification of such claims. In support of such claims documents would be demanded and the person would be investigated through a detailed investigation procedure. This investigation would be done either by the Foreigners Regional Registration Office (FRRO) or the Foreigners Registration Office (FRO). If the applicant is unable to prove that one had entered the country before 31st December, 2014, that one belongs to one of the six mentioned religions, that one was facing religious persecution or feared facing such persecution and that one has migrated from one of the three mentioned countries to either FRRO or FRO then the case would be referred to the quasi-legal Foreigners Tribunal and this tribunal would then examine all the claims under the Foreigners (Tribunal) Order, 1968.^{xx}
- Then the Committee enquired how many people would be able to avail of citizenship rights through this Bill. That is, how many people have so far applied for citizenship claiming religious persecution or fear of persecution? The IB answered that 31,313 people had applied on these grounds (25,447 Hindus, 5807 Sikhs, 55 Christians, 2 Buddhists and 2 Parsis).^{xxi}
- The Committee then enquired what would happen to those who had come from the mentioned three countries because of religious persecution or fearing the same but had not informed the same or had not applied for citizenship on the basis of the same? In reply the IB categorically stated that “they would have to prove that they came to India because of religious persecution, if they had not informed the government at the time of their arrival”. The IB further said that in the case of such claims lodged now or in future, **the claims would be investigated under the aegis of Research and Analysis Wing (RAW) and only then would any decision be taken.**^{xxii}

18. Does this mean, then, that to get citizenship through the CAA, one would have to prove that one had come to India before 31st December 2014, that one belongs to one of the six mentioned religions, that one was facing religious persecution or feared facing such persecution and that one has migrated from one of the three mentioned countries, and IB, RAW and the police would verify these claims?

- Yes. Even the 31,313 people who had previously applied would also be scrutinised by these agencies to verify whether they had been involved in any illegal activities during their stay here.^{xxiii} **After this when the committee asked RAW for their comments on this, it said that their principle concern was to ensure that enemies of the country did not acquire citizenship taking advantage of CAA^{xxiv}.**

19. Then it means that it is virtually impossible to acquire citizenship using the provisions of CAA?

- That is correct. In order to get citizenship under CAA, one will first have to apply stating that one had come to India prior to 31-12-2014, on account of religious persecution or fear of the same in Pakistan, Bangladesh or Afghanistan; and that one belonged to Hindu, Sikh, Jain, Parsee or Christian community. Then one will have to prove the claims with documentary evidence before FRO or FRRO. If the FRO or the FRRO is not satisfied then one will have to substantiate one's claim before the Foreigners' Tribunal. During this entire period one will remain under the surveillance of RAW and police.
- As long as an applicant is unable to establish one's claim, one will not enjoy any rights. Property, voter card, ration card, aadhar card will be confiscated by the government and will be restored only if and when the claims are duly accepted. That is why a member of the JPC commented "nothing has changed for persons who do not have documents. He will be back in the Foreigner's Tribunal; the only difference is that this time he has to prove to be a Bangladeshi National"^{xxv}.

20. Even then if the BJP leaders fraudulently incorporate names of Hindus into NRC using CAA?

- This means that the names of Muslims excluded from the NRC will not, in any case be included. This is a **clear violation of the principle secularism** that is a cornerstone of the nation that the nationalists envisaged and is also against the fundamental character of the nation as stated in the constitution.
- **But suppose that the BJP does include the excluded Hindus fraudulently using the CAA in that case it is possible for intelligence agencies opposed to India in any of the three named countries to send agents disguised as persecuted Hindus. As the RAW stated to the JPC "that the agencies who are inimical to us should not have a legal framework within which they can exploit our situation and infiltrate their own people into our own country", this situation is unlikely to be accepted by RAW.** (See endnote xxiii, also see annexure 1)
- This implies two things will happen. First, RAW and other investigative agencies will always keep a watch on all who have applied for inclusion in NRC through CAA. There will be continuous surveillance of where the person is going, who one is meeting. On the basis of this the agencies will report to BJP-RSS leaders who are not suspicious. The BJP-RSS will then make arrangements for enrolling such persons fraudulently into the NRC via the CAA. But in any case as long as the BJP-RSS are not satisfied such persons shall not enjoy rights.

- All these imply that there will be continuous surveillance mechanism that can be used by agencies like RAW for keeping tabs on the population. Besides those seeking to get enrolled in NRC through CAA will have to be subservient to BJP leaders. It is also possible that fraudulent implementation of CAA will actually lead to the kind of infiltration that RAW expressed concern about. After all there is no reason to believe that BJP leaders, just like leaders of other political parties, are above corruption. **The close connection between the political party in power and the surveillance machinery is something that is not common to democracies but to fascist regimes.**

21. But this smacks of the advent of fascism!

- **Yes this is clearly fascist in tendency. First Muslims are targeted. Then the Hindus excluded are constantly under threat of intelligence agencies and BJP-RSS. Because of the close nexus this establishes between the party, the intelligence agencies/police and the Tribunals those who did not follow the party leaders suffered immensely in Assam.** (For details refer to Annexure 2)

22. Then the CAA is dangerous for Hindus also?

- Yes. It is indeed dangerous when read with NRC. To be enrolled in NRC through CAA one will have to provide documentary evidence to prove:
 - (i) that the person has come to India because of religious persecution or because of fear of persecution;
 - (ii) that the person had entered India before 31/12/2014
 - (iii) that the person had come from Pakistan, Bangladesh or Afghanistan.
 - (iv) that the person belongs to Hindu, Buddhist, Sikh, Jain, Parsee or Christian communities.
 - (v) grant of citizenship does not violate the provisions of the third schedule of the Citizenship Act, 1955^{xxvi}
 - (vi) has resided in India for five years.
 Those who cannot establish these will not be eligible for citizenship through CAA
- **If in spite of these provisions the BJP leaders say that they will fraudulently grant citizenship to all Hindus using CAA then, as we have explained, one will have a fascist regime in place of the democracy we now have. So if the Hindus feel assured by these promises, they should know at what cost they are obtaining this illegal protection. It is at the cost of agreeing to live without freedom under a fascist state.**

23. Is CAA, 2019 unconstitutional?

- It appears to be so. It clearly violates Art. 14 of the constitution, which states “The State shall not deny to any *person* equality before the law or the equal protection of the laws within the territory of India” (emphasis added). It may be clarified that this does not refer only to citizens as does the immediately succeeding Art. 15 that clearly refers to ‘citizens’. The term ‘persons’ has been interpreted by the courts to refer to even foreigners resident in India. But CAA refers to only five religions. It omits many other religions, including Islam. Now suppose a Hindu and a Muslim are excluded from the NRC. They are both equally, foreigners. The Hindu can apply for citizenship on the ground of religious persecution under CAA. The

Muslim cannot. But the GOI cannot differentiate between two foreigners on the basis of religion, caste, race, gender or place of birth, according to Art. 14 of the constitution. But CAA, 2019 does just that.

- The BJP and GOI argue that ‘reasonable classification’ is permissible in law. This interpretation is based on a judgement by the Supreme Court given in 1952. What the court actually said was “Art. 14 does not insist that every piece of legislation must have universal application and it does not take away from the State the power to classify persons for the purposes of legislation, but the *classification must be rational, and in order to satisfy this test (i) the classification must be founded on intelligible differentia, which distinguishes those that are grouped together from others, and (ii) that differentia must have a rational relation to the object sought to be achieved by the Act*”. (Emphasis added). This act fails on both grounds. It selects certain illegal migrants on the basis of religion. Here the point is that in relation to the State they are all together in the category ‘illegal immigrant’. How can you then differentiate non-citizens on any basis? This differentiation does not have any basis in the law itself either. Either a person is persecuted on the basis of religion or is not. According to the article you cannot discriminate amongst persecuted minorities on any basis.

24. The GOI and BJP-RSS are claiming that there is no relation between NPR and NRC. Is it a fact?

- Certainly not, this is a blatant lie. NPR i.e. National Population Register is based on the rules framed by the Central Government (under the Citizenship Act, 1955) in 2003 called the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003. These are the same rules that give legal framework for the National Register of Citizens (NRC). A bare reading of 2003 rules reveals that the NPR lays the foundation of NRC. This is clear from rule 3(5), which says: “*The Local Register of Indian citizens shall contain details of persons after due verification made from the Population Register*”.

25. But the GOI and BJP are saying that NPR is an exercise for the preparation of census data?

- This again is a blatant lie. Census is an exercise carried out under the Census Act, 1948. Census is based on self-declaration made by the persons without verification.
- NPR is carried out as per the 2003 Citizenship Rules. Under these rules, it is compulsory for a person to share the demographic data for preparation of NPR. These rules are, therefore coercive.
- The intention behind the currently gazetted NPR becomes clear if one compares the questions listed in this round with those in 2015-16 (which were the same as those asked in 2010)

Questions listed for NPR, 2010	Questions listed for NPR, 2020
<p>1. Name of the person in full and resident status</p> <p>2. Name of the person as should appear in the NPR.</p> <p>3. Relationship to head.</p> <p>4. Sex.</p> <p>5. Date of Birth.</p> <p>6. Marital status.</p> <p>7. Educational Qualifications.</p> <p>8. Occupatio/Activity.</p> <p>9. Name(s) of the Father, Mother and Spouse in full.</p> <p>10. Place of Birth</p> <p>Nationality as declared.</p> <p>12. Present address of usual residence.</p> <p>13. Duration of stay at present address (in completed years.</p> <p>14. Permanent residential Address</p>	<p><u>PART A</u></p> <p>1. Name of the person in full.</p> <p>2. Relationship to head of family.</p> <p>3. Sex.</p> <p>4. Marital status.</p> <p>5. Date of Birth.</p> <p>6. Place of Birth.</p> <p>7. Nationality as declared (Q. 7 (ii) Passport number. If a person informs he/she is Indian and has a passport then ask for the passport number)</p> <p>8. Educational Qualifications.</p> <p>9. Occupation/Activity</p> <p>10. Write name of the mother tongue in full and give code from code directory.</p> <p><u>PART B</u></p> <p>11. Permanent Residential Address.</p> <p>12. Duration of stay and place of last residence.</p> <p>13. details of father, mother and spouse.</p> <p>14 (i) Aadhar Number (ii) Mobile Number (iii) Voter ID Card Number (iv) Driving License Number.</p>

- If you look at the questions you can see that whereas, previously, only the names of father/mother or spouse were sought now the details of these persons are being sought. The NPR Manual, 2020 (page 23) instructs that under this query, the place of birth and other details of father/mother and spouse has to be collected. Obviously these details will be used for framing the NRC as already mentioned. But this does not mean that the nationality claimed in the NPR will be recorded in the NRC. The claim will be verified through documentary evidence as detailed in answer to question 12, above.
- Apart from all this the NPR is highly communal. In Annexe 5 NPR, 2020 lists the national festivals. This list does not include any Muslim festival.

26. Then CAA read with NPR and NRC has caused a fundamental change in the character of the state! Are there any other fundamental changes in law that the present government has introduced?

- Yes there are quite a few fundamental changes in law that the current government has brought about. The most significant among these are the changes in the labour laws. In the first session of Parliament the GOI abrogated 44 labour laws and replaced them with 4 labour codes. These are the Wage code, Occupational Safety-Health and Working Conditions Code, Social Security Code and Industrial Relations Code. As a result of these changes statutory and explicit restrictions on hours of work, overtime, security of jobs, safe and healthy work environment have been abolished. The GOI has simply announced that it will later notify rules regarding these areas. We have already mentioned in answer to Q 5, that to pass an Act the GOI needs the consent of Parliament, but does not require permission to frame rules under an Act.
 - Example 1: under the Factory Act, 1948 it was clearly stated that a worker could not be compelled to work beyond 8 hours in a day. But under the Labour Code the GOI issued a notification, clause 6 of which has increased the work hours to 9 hours. Overtime limits have also been abolished.
 - Example 2: Previously there were various hurdles to layoff in the Act of 1948. Now, under the Industrial Code, a new category of workforce named 'Fixed Term Employee' has been introduced. Those employed under this provision are hired only for a fixed period at the completion of which they can be terminated without any hindrance.

27. What can we conclude, overall, about the functioning of the current government?

- From our discussion of some of the changes made in the legal Acts and Codes there is a clear indication of the tendency towards greater convergence between the police, intelligence agencies, the central government and the ruling BJP-RSS. There is also a very significant shift from secular principles to religious discrimination. All these point in the direction of the gradual erosion of principles of modern democracy which is the basis of our constitution and its replacement with a fascist state. This is further borne out by the brutal suppression of dissent in states ruled by the BJP-RSS. In the global ranking by the democracy index of *The Economist* published in January 2020, India's ranking dropped by 10 positions to 51. The index dropped from 7.23 to 6.9.
- The changes have polarised the society on communal lines and diverted attention from the steady decline on the economic front. While our unemployment rate has hit a 45 year high, the rate of inflation for foodstuff in December was 12%, while that for vegetables was 60%. Out of every 100 Indians in the age group 20 to 34, 40 neither work nor attend any educational institution. The figure for neighbouring Pakistan and Bangladesh is around 30.
- There is no instance in history where in the face of such critical economic conditions the government and public sector are reducing employment. The government is following a policy of disinvestment at a breakneck speed, even

planning to sell off profitable units like Bharat Petroleum. This will obviously enrich crony capitalists but will cause further drop in employment as the employment guarantee that is being negotiated in some cases is for a period of only a year. Given the skeletal force already in the public sector, the possibility of laying off employees is an indication that many of these organisations will be shut down by the crony capitalists who will obtain them at cheap prices to convert them into saleable real property.

28. Then what do we do?

- We have to explain to all the nature of NPR, NRC and CAA as simply as possible. We have to convince the public about the disastrous implications of these measures not only for Muslims but for all citizens.
- We have to ensure that the BJP does not come to power at the state level. Whether it is NPR, NRC or CAA, the implementation will be in the hands of the BDO, SDO and state police. For their own careers they will have to work according to the bidding of the state government. So we have to be selective and decide which party will really oppose the implementation of these measures and also judge the potential of the party to come to power in the state.
- We also have to build and sustain mass opposition to these measures, as that is the only guarantee that the parliamentary parties, who determine their strategies on the basis of vote bank politics, are forced to steadfastly oppose the implementation of these measures. The GOI has already gazetted the notification that the work of NPR must be completed between April, 2020 and September, 2020. We must be alert and make people alert so that, if need be, we can accompany the people appointed for gathering information from door to door to urge people not to give any information. *Kagaz nehi dikhaenga* is not enough: we must not give any information.
- It is of the utmost importance to stand united in our opposition to NPR, NRC and CAA. At this moment we should not be raking up the past to say who did what in 2003, etc. The parties interested in vote bank politics will be bickering but to the people it is the question of reclaiming our country. That is why we march with the national flag, and at peoples' meetings sing the national anthem and read the preamble to the constitution: "WE.THE PEOPLE OF India, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC..."

References

ⁱ Section 2.k; THE CITIZENSHIP (REGISTRATION OF CITIZENS AND ISSUE OF NATIONAL IDENTITY CARDS) RULES, 2003; <https://ruralindiaonline.org/library/resource/the-citizenship-rules-2003/>

ⁱⁱ Section 2.l; *ibid*

ⁱⁱⁱ Section 3(3); *ibid*

^{iv} Section 3(4); *ibid*

^v Section 7 (2); *ibid*

^{vi} Section 4(3) এবং Section 4(4); *ibid*

^{vii} There is a propaganda initiated by the BJP-RSS that since the CAA does not mention the clause 'due to religious persecution or fear of religious persecution', all members of the six communities mentioned will get citizenship if they come from the three countries mentioned. This is a false propaganda. They are deliberately misleading the public by using legal smokescreen.

Section 2 of CAA states:

2. In the Citizenship Act, 1955 (hereinafter referred to as the principal Act), in section 2, in sub-section (1), in clause (b), the following proviso shall be inserted, namely:—

"Provided that any person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan, who entered into India on or before the 31st day of December, 2014 **and who has been exempted by the Central Government by or under clause (c) of sub-section (2) of section 3 of the Passport (Entry into India) Act, 1920** or from the application of the provisions of the Foreigners Act, 1946 or any rule or order made thereunder, shall not be treated as illegal migrant for the purposes of this Act;"

Clause (c) of sub-section (2) of section 3 of Passport (Entry into India) Act, 1920 states – such rules may ---- "provide for the exemption, either absolutely or on any condition , of any person or class of persons from any provisions of such rules."

Under this Section 3 GOI published 2 gazette notifications in 2015 and 2016 (dt. 07.09.2015 and 18.07.2016). The notification of 2015 (relating to Passport (Entry into India) Act) states:

G.S.R. 685(E).—In exercise of the powers conferred by section 3 of the Passport (Entry into India) Act, 1920 (34 of 1920), the Central Government hereby makes the following rules further to amend the Passport (Entry into India) Rules, 1950, namely:-

- (1) These rules may be called the Passport (Entry into India) Amended Rules, 2015.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Passport (Entry into India) Rules, 1950, in rule 4, in sub-rule (1), after clause (h), the following clause shall be inserted, namely:-

“(that) persons belonging to minority communities in Bangladesh and Pakistan, namely, Hindus, Sikhs, Buddhists, Jains, Parsis and Christians who were compelled to seek shelter in India **due to religious persecution or fear of religious persecution and entered into India on or before the 31st December, 2014-**

- (i) without valid documents including passport or other travel documents; or
- (ii) with valid documents including passport or other travel document and the validity of any of such documents has expired:

Provided that provision of this clause shall take effect from the date of publication of this notification

in the Official Gazette.”

This means that by the reference in CAA, to be granted citizenship through CAA the immigrant must prove religious persecution.

CAA → Passport (Entry into India) Act,1920 → Twin Gazzete of 2015 and 2016 (dt. 07.09.2015 and 18.07.2016)→ Passport Rules → Religious Persecution PROVED.

We have proved this on the basis of the Passport Act to which CAA explicitly refers. This can be also proved through the basis of Foreigner’s Act and Foreigner’s Order.

viii Bill text https://prsindia.org/sites/default/files/bill_files/Citizenship%202019%20Bill%20Text.pdf

ix NPR Manual, 2020 Text <https://pmil.in/wp-content/uploads/2020/01/NPR-Manual.pdf>

x "NRC aane wala hai": Amit Shah makes his intention clear <https://economictimes.indiatimes.com/news/politics-and-nation/nrc-aane-wala-hai-amit-shah-makes-his-intention-clear/videoshow/72454609> . One can also see: Was at meeting where Amit Shah talked about all-India NRC, surprised at PM's remark, says Sharad Pawar <https://www.indiatoday.in/india/story/was-at-meeting-where-amit-shah-talked-about-all-india-nrc-sharad-pawar-1630904-2019-12-23>

xi P 19 NPR manual,2020 <https://pmil.in/wp-content/uploads/2020/01/NPR-Manual.pdf>

xii Citizenship Act,1955 Text <https://www.refworld.org/pdfid/410520784.pdf>

xiii Paragraph 2.19, page 39, REPORT OF THE JOINT COMMITTEE ON THE CITIZENSHIP (AMENDMENT) BILL, 2016 [https://prsindia.org/sites/default/files/bill_files/Joint%20committee%20report%20on%20citizenship%20\(A\)%20bill.pdf](https://prsindia.org/sites/default/files/bill_files/Joint%20committee%20report%20on%20citizenship%20(A)%20bill.pdf) **একই Aadhaar Card, Voter ID & Passport Not Proof Of Citizenship, Claim Government Officials;** “These (Aadhar, Voter ID card and Passport) are either travel documents or documents to show residency in India.” <https://www.scoopwhoop.com/news/aadhaar-card-voter-id-passport-not-proof-of-citizenship-claim-government-officials/>

xiv WHAT IS THE LIST OF ADMISSIBLE DOCUMENTS? <http://www.nrcassam.nic.in/admin-documents.html>

xv 'What's Going On Is Really Unfair': Inside The Foreigners Tribunals In Assam; Rohini Mohan https://www.huffingtonpost.in/2018/08/05/what-s-going-on-is-really-unfair-inside-the-foreigners-tribunals-in-assam_a_23496313/?guccounter=1 **একই The Highs & Lows of Foreigners Tribunals that affects Justice Delivery: Assam; Sanchita Kadam** <https://www.sabrangindia.in/article/highs-lows-foreigners-tribunals-affects-justice-delivery-assam>

xvi Census data say hardly any post-1971 foreigners in Assam: Rights group ; Rahul Karmakar <https://www.thehindu.com/news/national/other-states/census-data-say-hardly-any-post-1971-foreigners-in-assam-rights-group/article29286848.ece>

xvii Foreigners In Assam A Blast From The Past; Suhas Chakma, Director, RRAAG; <http://www.rightsrisks.org/by-country/foreigners-in-assam-a-blast-from-the-past/>

xviii CAA : 12 Key points to remember; Press Information Bureau (PIB), Government of India <https://pibindia.wordpress.com/2019/12/19/caa-12-key-points-to-remember/>

xix Paragraph 2.21, page 40, Report of the JPC on Citizenship Amendment Bill (2016).

xx Paragraph 2.14, page 34, Report of the JPC on Citizenship Amendment Bill (2016).

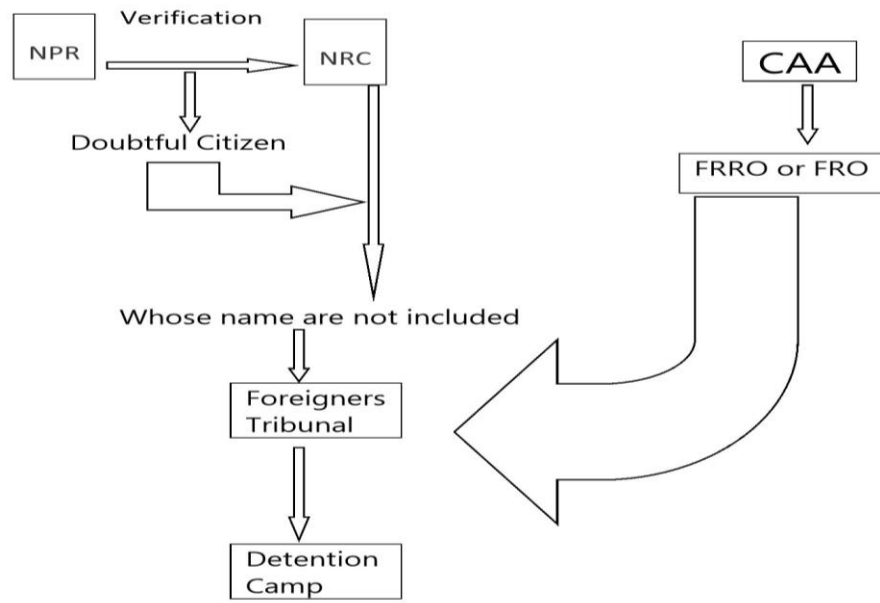
xxi Paragraph 2.17, page 39, Report of the JPC on Citizenship Amendment Bill (2016).

xxii Paragraph 2.18, page 39, Report of the JPC on Citizenship Amendment Bill (2016).

xxiii Paragraph 2.21, page 40, Report of the JPC on Citizenship Amendment Bill (2016).

xxiv Paragraph 2.22 page 40, Report of the JPC on Citizenship Amendment Bill (2016).

xxv Page 111, of the Report of the JPC on Citizenship Amendment Bill (2016).



Annexure 1

Given the dark ages of communal violence into which we the BJP-RSS is trying to plunge the nation, one can foresee that if a male claims to have come to India to avoid persecution from the majority community in, say, Bangladesh, he may be asked to show that he is not circumscribed. There is a very poignant story by Sadat Hussain Manto that is relevant.

Mistake Removed

Sadat Hussain Manto

‘Who are you?’

‘And, who are you?’

‘*Har Har Mahadev! Har Har Mahadev!*’

‘*Har Har Mahadev!*’

‘What is the evidence that you are who you say you are?’

‘Evidence? My name is Dharam Chand, a Hindu name.’

‘That is no evidence.’

‘All right, I know all the sacred Vedas by heart, test me out’.

‘We know nothing about the Vedas. We want evidence.’

‘What?’

‘Lower your trousers.’

When his trousers were lowered, there was pandemonium. ‘Kill him, kill him.’

‘Wait, please wait...I am your brother...I swear by *Bhagwan* that I am your brother.’

‘In that case why the circumcision?’

‘The area through which I had to pass was controlled by our enemies, therefore, I was forced to take this precaution...just to save my life...this is the only mistake, the rest of me is in order.’

‘Remove the mistake.’

The mistake was removed ...and with it Dharam Chand.

(Collected from Mottled Dawn: Fifty Sketches and Stories of Partition By Saadat Hasan Manto)

Annexure 2

In the process of implementing the CAA, NRC the local BJP-RSS leaders can settle personal scores. A powerful BJP-RSS leader can use intelligence agencies and the police vengefully against anyone, irrespective of religion and party allegiance. Like the fascist leaders did in their countries. Assam is the only state where NRC has been implemented and there are scores of stories regarding victimisation by political leaders. If these could happen during implementation of NRC alone one can well imagine the kind of terror that will be unleashed by leaders of BJP-RSS or their local partners once CAA and NRC are implemented nationwide. Because of space constraint we will only cite one example of such victimization in Assam.

“DILIP BISWAS

Here, let me tell you about the case of Dilip Biswas, his wife and two minor daughters. Dilip Biswas ran a small business in a little kiosk in Mayong village where he sold biscuits, tea and *poori-sabji*. The headman of his village often visited his shop and demanded food free of cost. One day, an irritated Dilip Biswas refused to provide free food to the headman and an altercation between the two took place. Vindictively, the headman went to the local police station and contrived with an inspector of the border department and a direction to enquire was obtained, an enquiry report was made up and submitted against Dilip Biswas. Subsequently a reference was made against Dilip to the Foreigners’ Tribunal, Morigaon. The Tribunal, instead of issuing notice to only Dilip Biswas, issued notice to his wife and children too. Dilip and his family received notice of the proceeding quite late and much after the date mentioned in it for appearance. By the time they went to the Tribunal, an ex-parte order had been passed against them. Dilip sprung to action then and hired a local lawyer to approach the High Court who got the ex-parte order set aside and Dilip and his family were made to appear before the Tribunal again to contest the reference. The same lawyer represented them and lost. To me, the judgment was erroneous and the case was poorly argued by the lawyer. But for his services, the lawyer had charged over Rupees Two Lakhs. Dilip paid by selling off all his land and some of his brother’s too. And at the end, his family ended up in detention camp and has been there since 2011. While Dilip is lodged in Goalpara jail, his wife and two daughters are in Kokrajhar jail. Through some means, Dilip’s brother came to know about the Human Rights Law Network in 2017 and approached them. The Tribunal’s order has now been challenged before the Gauhati High Court but the detainees still remain in jail. Bail was not granted on the first day and the case has not been listed again.”

(from Souradip Dey: Everyday Life of Assam Foreigners’ Tribunals, Souradeep Dey. <http://www.raiot.in/everyday-life-of-assams-foreigners-tribunals/>)