

# Why is India protesting?

## For many weeks now, India has seen widespread protests. What are people protesting?

While the actual demands of the protestors vary, the target of their displeasure is the amendments to India's citizenship law and the federal government's plans to enact a nationwide National Register of Citizens (NRC). Broadly speaking, protesters in Assam and other states in the northeastern region of India generally do not want Indian citizenship to be granted to any refugee or immigrant, regardless of their religion. In other parts of India, the primary complaint is that by discriminating against Muslims, the changes to the citizenship law violate the secular character of India's constitution.

## We heard that the government has cracked down brutally on protestors. Is that right?

Police and political thugs have entered major universities and used batons and tear gas on students. In various parts of India, there have been complete bans on protests and thousands have been detained for gathering in defiance. Unofficial internet shutdowns are in place in some parts of India. Media reports have confirmed that in Uttar Pradesh, the police and government have been complicit in a campaign of vendetta against protesting Muslims. So far, more than 25 people have died in these protests.

## So what are these changes to the citizenship law that are so controversial?

In spite of the scars of India's founding and partition, its constitutional provisions on citizenship did not discriminate on the basis of religion. The law on citizenship for the time to come was made by the Parliament in 1955. The Citizenship Act created four different ways to become a citizen of India - through birth, through descent, through registration, and through naturalization. None of these depended on religion. If a person is not a citizen of India by birth or if a person does not have a parent who is a citizen of India, then registration and naturalisation are the two routes available to become a citizen of India. Neither of these routes however, is available to an illegal migrant.

An illegal migrant is a foreigner who is either in India without a valid passport or in India with a valid passport but has remained in the country beyond the permitted period of time.

The effect of India's citizenship law on people classified as illegal migrants is that their children, born in India after 1987, cannot become citizens by birth and, that they cannot become citizens of India through registration or naturalisation.

The 2019 changes to the citizenship law removed several groups of people from this definition of illegal immigrant: People who belong to the Hindu, Sikh, Buddhist, Jain, Parsi, or Christian communities of Afghanistan, Bangladesh, or Pakistan, and who entered India before December 31, 2014, will not be considered illegal migrants. With this change, this class of people from Afghanistan, Bangladesh, and Pakistan can also apply to become naturalized citizens of India through a special procedure. There is also no longer any bar to their children born in India becoming citizens of India, if at least one parent is, at the time of birth, a citizen of India.

For the first time in India, the religious identity of a person has become relevant to determining the citizenship. Jews and atheists

for example, but more significantly Muslims, from Afghanistan, Bangladesh, and Pakistan who are in India without valid passports, remain classified as illegal migrants. People from Sri Lanka, Nepal, Myanmar, China, or any other country, even if they are Hindus or Buddhists, will also remain classified as illegal migrants if they are in India without a valid passport.

## The government of India has argued that these changes only widen the pool of people who can become citizens of India. Who could possibly object to giving the region's persecuted minorities a home?

The people of India and especially its Muslims, have to see these changes in light of the politics of the ruling party. Prime Minister Narendra Modi and Home Minister Amit Shah are members of the Rashtriya Swayamsevak Sangh or RSS, an organization dedicated to the idea that Hinduism's followers are entitled to reign over India's minorities.

Modi's rise to power in India emboldened cow protection vigilantes, lynchings of Muslim men, online armies of hate-spewing trolls, and fake news farms. With a massive majority in India's parliament, Modi has overseen the weakening of India's independent institutions - including the judiciary, the election commissions, the central bank, universities, and the information commissions. Except for a few small publications now, the Indian media offers at best, largely uncritical coverage of the government.

Among the key objectives of the government has been the implementation of the National Register of Citizens in the state of Assam. Legal provisions requiring the government to compulsorily register every citizen of India through a process of enumeration had been part of the Citizenship Act since 2003 when a previous BJP-led government had amended the law, but had not been implemented. In Assam, the BJP and the government, motivated to take citizenship away from as many as two million residents of the state, especially Muslims who had crossed the border from Bangladesh, decided to implement it after the Supreme Court started monitoring the process in 2013. In preparation, they constructed several detention camps. The final register however, did not satisfy many of the BJP's supporters, especially when they discovered that even several Bengali Hindus, had been left out of the list of citizens.

Before the elections in 2019, the BJP promised in its manifesto to implement the NRC all over India. Recently, it even announced a National Population Register, a precursor to the implementation of the National Register of Citizens. The data from the Population Register will be used by local officials to determine which resident is a legal? citizen. Meanwhile detention centres are also being constructed in Karnataka and Maharashtra.

This is why it is not possible for Indian Muslims to accept the government's view that the 2019 changes to the citizenship law is only about providing a home to the persecuted minorities of Afghanistan, Pakistan, and Bangladesh.

For them, everything, starting with the Prime Minister's route to the highest office, naturally points to the conclusion that in combination with the National Population Register and the National Register of Citizens, the Citizenship Amendment Act will, while protecting the citizenship of Hindus who arrived from Afghanistan, Pakistan, and Bangladesh, cast doubt on the citizenship of the 172 million Indian Muslims.