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RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

## A NEW BRITAIN

Boris Johnson's landslide victory seals Britain's exit from Europe. Delhi needs to re-imagine the relationship with London

CONSERVATIVE LEADER AND UK Prime Minister Boris Johnson's promise to "get Brexit done" has found unexpectedly wide resonance with the people of Great Britain. With 364 seats out of 650 in the House of Commons, the election marks the largest victory for the Tories in recent memory. That the Conservatives were able to breach traditional bastions of the Labour Party, including in North England, and erode its working class base, signals the entrenching of the disenchantment with globalisation and European integration. In 2016, when Britain chose to exit the EU after a referendum, it marked the beginning of the West's retreat from the global order it had set up, and the liberal values that shored it up. Nearly four years later, even as the complexities and costs of Brexit have become apparent, the British people have chosen to overwhelmingly back it once again. For the UK, in the short term, the verdict holds an answer on how to proceed on a vexed question. But it has also raised more fundamental and complex concerns on the relationship between democracy, liberal values and populism.

This election was, first and foremost, an attempt by Johnson to secure legitimacy for a hurried Brexit deal — Parliament had insisted on a more considered approach. The Conservative PM can now ensure that the deal is pushed through by the January 31 deadline. For Jeremy Corbyn, who has pushed Labour more to the Left, this is the third consecutive electoral defeat. In the near future, the prospects for both Corbyn and Labour appear dim. But even for PM Johnson, the road ahead will be challenging. He must now rise to the more arduous task of steering Britain through life after Brexit. This will involve negotiating new trading arrangements with the EU — the UK's largest trading partner — along with rejoining the WTO and unveiling a new strategy for the country's economic growth. Another problem that will confront the new government comes from within the UK: The anti-Brexit Scottish National Party has won in 48 of the 59 seats in Scotland, and it could push for another referendum on Scottish independence. As new border mechanisms come into play between the UK and Ireland after Brexit, Johnson must pay heed to Irish concerns.

As Britain leaves Europe, India may need to boldly reimagine the bilateral relationship. Delhi needs to look beyond the questions of Pakistan and Kashmir and seize the new opportunities for trade with Britain. As Tories revive the British interest in the Commonwealth, India has an opportunity to restructure this organisation. Britain will now likely try and recover a global role for itself, and reclaim its maritime orientation — on this front, there will be much Delhi could do with London. To succeed, though, Delhi needs to get its own house in order, especially on the economic front. An India that turns on itself at home and retreats into protectionist mode will find it hard to engage the new Britain.

## IMPROVING THE CODE

Amendments to Insolvency and Bankruptcy Code will reduce uncertainty, shore up confidence in resolution process

ON WEDNESDAY, THE Union cabinet approved amendments to the Insolvency and Bankruptcy Code (IBC) aimed at strengthening its functioning. The amendments seek to ring-fence assets of companies from offences committed by the previous management or promoters. They have also sought to raise the minimum threshold for initiating the resolution process, and have clarified that licences, permits and clearances cannot be suspended during the moratorium period. Each of these amendments, designed to address specific concerns, will help reduce investor uncertainty, and go a long way in shoring up confidence in the resolution process.

The decision to ring-fence assets of companies comes at a time when there have been instances of government agencies initiating action against companies whose resolution process has been completed. A case in point is the complication that arose in JSW Steel's plan to acquire Bhushan Power and Steel (BPSL) with the Enforcement Directorate attaching some of BPSL's assets. While under the law, dues owed to the central government rank below those due to financial creditors, the lack of clarity on the issue injected a degree of uncertainty in the process, led to delays, and disincentivised buyers. The amendment now seeks to address this issue. The cabinet has also increased the minimum threshold for initiating the resolution process. In the case of real estate projects, the minimum number of applicants has been increased to 100 or 10 per cent of the total applicants. This is designed to bring an end to the filing of frivolous cases in the NCLT. Further, by ensuring that licences, permits, concessions, and clearances are not terminated, suspended or renewed during the moratorium period, the amendment seeks to ensure the continuation of a business as a going concern. It will help preserve its value and retain its attractiveness for prospective buyers.

These latest amendments come after the Supreme Court judgment in the case of Essar Steel that restored the primacy of the committee of creditors on the issue of distribution of funds from the sale of stressed assets. Coupled with that judgment, these amendments address some of the remaining contentious issues surrounding the functioning of the IBC. The government should now step up its efforts to ensure that the promise of speedy resolution, one of the most appealing aspects of the IBC, is delivered upon.

## BRUSH WITH THE PAST

Figuratively speaking, the finds in Sulawesi call for a revisioning of the prehistory of art, and of the human imagination

THE RECENT DATING of cave art near Makassar on the Indonesian island of Sulawesi to a staggering 44,000 years ago will change the way in which the prehistory of art is conceived. For years, the Eurocentric view, built upon the exemplars of Lascaux, Altamira and La Marche, had been yielding ground to older finds in Australia, South Africa and Indonesia. Now, Sulawesi has trumped the rest of the world. The finds there are not new, technically, since they were known locally for a long time. And one of the motifs, the human hand outlined in ochre — saying, very powerfully, "I was here!" — is a common sign in prehistoric art the world over. What's new is the antiquity of the artwork, arrived at by dating the mineral patina covering it.

But the most striking drawing also tells a story — a hunting scene in which the human figures are not completely human, but have animal attributes. Are we seeing the first evidence of totemism and shamanism, in which humans identify with an animal and try to assume its powers? This must remain a matter of speculation, but nevertheless, this single panel comic strip from 44 millennia ago is clearly evidence that the human imagination is immeasurably old. Abstract and symbolic thinking was at least as important for the development of sapiens as the opposable thumb that held the paint-brush. It made religion, philosophy, cooperation and culture possible, and paved the way from magic and mystery to Boolean algebra and Cubism.

The finds in Indonesia reveal not only the prehistory of art, but also that of the human mind. They suggest that millennia before our specie created the civilisation, the cities and the technology it identifies with, it had imagination. And it could tell a story.



SUHAS PALSHIKAR

PARLIAMENT HAS PASSED the Citizenship (Amendment) Bill. The debate over the bill bears testimony to the significance of the values of constitutionalism and secularism and the importance of icons like Gandhi and Ambedkar. For, in defending the bill, the ideological deceit of the BJP — along with its cowardice — could only hide behind these fig leaves. Nowhere in the debates has the BJP or its supporters shown the courage to say that they want to change the basis of what constitutes citizenship. The constant refrain is that what they are doing is true secularism and that even Ambedkar would have been happy with what is being done.

This situation is compounded by a combination of over-use and abandonment of those same values and icons by the "secular" forces. For long, secular politics has resorted to these values and icons without bothering to infuse among the masses their implicit message and meaning. They have also taken recourse to the selective or symbolic use of these ideological and intellectual resources. Thus, Ambedkar or Gandhi are conveniently used for limited purposes, leaving the public exposed to distortion, fraud and rank falsehood in the name of the Constitution, Ambedkar or Gandhi.

No wonder, the larger public, which was mostly unconcerned about the CAB during the Lok Sabha election (Lokniti's pre-election survey showed that over three-fourths of the respondents did not know about the CAB), is now willing to be convinced that the bill is fair and does not violate the Constitution nor deviates from the ideas of Gandhi and Ambedkar. Such a complete rigging of public discourse has probably never happened in our democratic history so far.

Now that the bill is passed, what are the pathways of opposition and democratic recovery? The first is public campaigning over values, ideas and ideals. "Eminent citizens" have signed letters, scholars are writing in public media, small groups of activists are trying to mobilise public opinion. There have been more dramatic individual cases of civil disobedience, protest and sacrifice. These are morally valuable, intellectually rewarding and ideologically necessary actions. Yet, they are most likely to lack real political traction. One, because they are isolated, two, because the present regime is not sensitive to such critical responses, and three, because these protests would mostly lack mass participation.

The other route is institutional. Parliament

On the one hand, are principles emptied of meaning. On the other, a clear-headed majoritarian project

Herein probably lies the most critical lesson from the CAB controversy. Democratic struggles for high principles do not happen in a vacuum; nor do they occur on absolutely abstract principles, howsoever lofty. The limitation of liberalism is that it expects abstract rationality to win politically whereas democratic struggles are mainly about the here and now, which is less about principles. Principles get strength only collaterally.

has chosen to pass the bill speedily. Now if the law is challenged, will the judiciary dispose of it equally quickly? Will it stick to its own basic structure ruling? These are complex matters and have been dealt with in these columns ("The morning after CAB", Pratap Bhanu Mehta, IE, December 12). If one goes by that assessment, there is not much to be gained from the judicial route. Another institutional response that has already emerged can be characterised as the crisis of the federal structure.

With the abrogation of Article 370, the practice of asymmetric federalism was abandoned. But the Centre has revived it in the Northeast in order to placate anti-CAB public anger in the region. Will the Centre similarly address anger in Assam and Tripura? Now, some state governments have declared that they will not abide by the changes in the citizenship law. While this might not have much legal significance, such declarations signify another flashpoint.

In the domain of mass protests, two very different strands of opposition are emerging. One is from Assam and Tripura. This is mainly in response to the fear that the change will allow "Bangla Hindus" to claim citizenship. This has the local vs Bengali dimension. This protest has two layers within it. One, it portends a rupture in the sketchy peace brought about by the Assam accord. Two, exclusion of some territories of the Northeast tends to fracture the fragile internal balance among states and communities of the region. This is a huge challenge and while the government is sure to quell the protests, the scars will further burn bridges among communities within the region and between the NE and rest of India.

While, at the moment, attention is focused on this protest because of its severity, another muted opposition, more about the signal given by the amendment, may begin to take shape among Muslims. Because, along with consolidating a Hindu vote bank, the changes unambiguously send a message to the Muslims about their status — that they will be tolerated, but just that. The danger, here, is apparent. Besides the spectre of a Hindu-Muslim divide, this could further ghettoise and communalise Muslim politics. The politics of the Muslim community often shows a tendency to slip into the hands of the more orthodox, conservative elements. Like the Ayodhya agitation, this moment too, further erodes the possibility of a liberal, internally progressive leadership among Muslims. Muslim mobilisa-

tion will give the appearance of democratisation but at the same time it will remain blind to questions of internal democracy and inter-communal harmony.

Both these protests will be most certainly discredited, divided, and suppressed. The festering wound will remain, but the system will ignore that. After all, non-secular and non-democratic nations are often built on the debris of not just principles and aspirations, but also of actual people, the opponents and the protesters.

At the same time, protests in the Northeast and among Muslims will disappoint the old-world secularists. While they follow entirely different, and even somewhat contradictory, logic, they do not necessarily flow from the abstract principles of secularism and religious non-discrimination as foundational values of the Constitution. Therein probably lies the most critical lesson from the CAB controversy. Democratic struggles for high principles do not happen in a vacuum; nor do they occur on absolutely abstract principles, howsoever lofty. The limitation of liberalism is that it expects abstract rationality to win politically in favour of principles whereas democratic struggles are mainly about the here and now, which is less about principles. Principles get strength only collaterally.

If one recalls the Ayodhya agitation, besides being similarly anti-Muslim, it was a warning that ordinary Hindus (and ordinary Muslims) were not interested in questions of secularism as a principle or democracy as an abstract phenomenon of negotiation and compromise. Similarly, the idea of social justice could get traction only when it became a clumsy and controversial site for contesting interests of different social sections. The current debates over the "idea of India" are unfortunately happening in a world of imbalance.

On the one hand, is the romance with principles and deployment of icons emptied of meaning willfully by the supporters themselves, and on the other hand, a clear-headed project of telling one community that it owns this land and therefore the ideas that should govern it. No expert is needed to tell us what the outcome will be, unless principles are married to lived realities and actual group anxieties.

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KHALED AHMED

ON OCTOBER 26, columnist Irfan Husain asked in the *Dawn*: "So why the deafening silence across the Islamic world when around 1.5 million Muslims in China's Xinjiang province have been forced into vast 're-education centres'?" It is indeed unforgivable that the world should abandon the Uighur Muslims but of late, there have been some protests at least. Yet, the tragic fact is that the Uighur, as a small Muslim community in China, have responded to the stimulus of al Qaeda in the region and come to Pakistan in gangs to attack the country's "deviation" from true Islam.

Other Muslim states are also scared of them. Uzbekistan is hounded by an Uzbek Islamist outfit that not too long ago was based in Pakistan along with the al Qaeda-led Taliban and Punjabi terrorists. Afghanistan was Islam's other boiling cauldron and Uzbekistan was facing all the heat from it. Totalitarian Uzbekistan gave a drubbing to Tahir Yuldashev, the Uzbek terrorist who fled to Pakistan with his warriors. Pakistan kowtowed to him till he was killed by an American drone. The Central Asian states are scared of what the Uighurs together with the al Qaeda and ISIS may do to them.

Uighurs made up a part of the terrorist group of Yuldashev, the Islamic Movement of Uzbekistan (IMU). The Uighur outfit was

## THE UIGHUR CONNECTION

Why a besieged community in China evokes fear in Central Asia, Afghanistan

The China Metallurgical Group Corporation has bought a controlling stake in the Aynak copper field — one of the largest copper fields in the world — in Logar province for \$3 billion. China's largest oil company has won the rights to exploit the first oil field to be tendered in northwestern Afghanistan. This could bring the Chinese into a confrontation with the Uighurs in Afghanistan.

called the Islamic Jihad Union (IJU). The al Qaeda in Syria also had a lot of Uighurs fighting on its side. One was Abu Omar al-Turkistani, who was killed in a US drone strike in Idlib Province. He began fighting in Afghanistan after migrating there from Xinjiang sometime before the US invasion.

Abu Omar fought in the Battle of Tora Bora before fleeing to Pakistan, where he was arrested and held for a decade. After his release he went back to Afghanistan and joined the IJU. He spoke multiple languages — including Pashto, English, and Russian — and this enabled him to become a IJU commander — a position retained till 2015, when he migrated to Syria to join the jihad there. In July 2016, al Qaeda chief Al Zawahiri, who was hiding somewhere in Pakistan, praised the Muslims of "East Turkistan" for their dedication to "waging jihad around the globe".

The Turkistan Islamic Party (TIP), a largely Uighur jihadist group, affiliated to the al Qaeda, operates in Afghanistan and Syria. Its latest video from Afghanistan shows the spoils taken from the Afghan military — Afghan military vehicles, including several Humvees, and weapons, including M16 and M4 variant rifles. It put up a similar video in 2018. In 2015 too, the outfit boasted about its "victories" with videos. A training camp's photograph indicated it was not a temporary fixture.

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China knows what is in store for its Belt and Road project in the region. With the Americans gone, the Taliban will oust India from Kabul, penetrate a vulnerable Pakistan and look to conquering the Xinjiang region to "raise the Uighur from slavery". Pakistan is not too clear about what will happen next. It is fencing its western border but is not capable of pushing back the religious radicalism of its middle class and the army.

That China is worried is clear from the FATF decisions under its presidency. China is using strong-arm methods to control the Uighur on its territory and forcibly change their minds — something that has not worked historically. Pakistan is scared too and has succumbed to China's persuasion inside FATF to control its own homegrown terrorists which it used as non-state actors in its proxy war with India.

The writer is consulting editor, Newsweek Pakistan

## DECEMBER 14, 1979, FORTY YEARS AGO

### NO RESERVATION

RATHER THAN CHOOSING a path of confrontation with the President, caretaker Prime Minister Charan Singh has dropped his plans to announce pre-election concessions like reserving jobs for backward classes and restoring to Aligarh Muslim University its minority character. These two items and a proposal for giving state aid to candidates in the elections had been listed on the agenda of the cabinet meeting. All the three items were taken off the agenda. The decision to remove them followed a meeting between the president and the caretaker prime minister where Sanjeeva Reddy is reported to

have cautioned Singh against taking any decision which may seem to be concessions to any sections of society.

### INDO-BANGLA BORDER

AT THEIR FIRST day's talks in Delhi, both India and Bangladesh are reported to have adopted "a practical approach" for resolving their irritating border problems such as in the Belonia sector where the security forces of the two countries have been exchanging fire during the last few weeks. That India is attaching considerable importance to the talks is evident from the fact that the political affairs committee of the cabinet met and dis-

cussed what should be India's stand before the two delegations met. The two delegations met twice during the day and as the problems were of technical nature they set up three groups to address the issue.

### US VERSUS IRAN

PRESIDENT JIMMY CARTER ACTED against Iranian diplomats in mild retaliation for the continued detention of American diplomats in Iran as hostages. He ordered a drastic reduction in the Iranian diplomatic establishment in the US. The number of diplomats in the Iranian consulates in New York is to be reduced from 57 to 15.





# A promise kept, a mandate betrayed

Assam feels let down by the BJP as it pushes through the CAB against the people's wishes



ARUPA KALITA PATANGIA

EVEN THOUGH PEOPLE in Assam have been agitating strongly against the Citizenship Amendment Bill, the BJP government didn't pause to reconsider its decision to introduce it in the Rajya Sabha. It left no stone unturned to muster the votes needed in the House to pass the Bill.

The people of Assam have been opposing the CAB for various reasons. There are those who oppose it for its communal, divisive and unconstitutional character. Others oppose it because it is going to make the NRC in Assam useless and nullify the Assam Accord. Some others are opposing it for it will give legitimacy to illegal Hindu immigrants, while depriving their Muslim counterparts of citizenship and sending them to detention camps. Another reason — the most emotionally charged one — is the apprehension of the indigenous Assamese people that it will open the floodgates for the Hindu Bengalis of Bangladesh, who may enter Assam in great numbers. The fear is that this will jeopardise the already precarious existence of the indigenous Assamese people, who will be outnumbered. There is fear that the language and culture of the indigenous people will be wiped out and they will be reduced to second-class citizens in their homeland.

It may be argued that such fear is not well-founded, since the Hindus of Bangladesh are in no hurry to come to Assam, given that the condition in Bangladesh is not so inimical towards them at the moment — though they have suffered a lot, even in the recent past. However, it may be pointed out that with the CAB in place, any change in the political climate of Bangladesh, that is, if the reigns of power are captured by the fundamentalists at any future date, Hindus there could be tempted to escape religious persecution and cross over, secure in the knowledge that India will give them shelter. The Assamese people fear that in such a scenario, Assam will suffer. Thus, the very idea of the CAB is fraught with danger to the indigenous people of Assam.

In the aftermath of the passage of the Bill in the Rajya Sabha, there has been relentless agitation in Assam. There is a feeling of humiliation, insult, neglect and a sense of betrayal that has stung the people. As a result, they have taken to the streets in large numbers, protesting against the BJP government, even defying the curfew that has been clamped in Guwahati and a number of other towns. The situation is extremely tense and uncertain and it is very difficult to say what course the movement will take in the days to come.

Unlike during the Assam agitation, there is hardly any acknowledged leadership and the outpouring on the streets seems mostly spontaneous. Incidents of violence and arson are being reported. At least two people have been killed in police firing. If the government does not want the agitation to escalate further, it should stall the Bill, even though it has been passed in both Houses. It should reach out to the people of Assam with a sincere and firm assurance that the CAB will not be imposed in the state without the consent of its indigenous people. People are wary of the vague promises of constitutional safeguards for the language, culture, political and other rights, including the right to the land. The recent withdrawal of Article 370 of the Constitution with respect to the erstwhile state of Jammu and Kashmir is being cited as



CR Sasikumar

an example of the unreliability of such safeguards. People are also questioning why such safeguards were not implemented before the Bill was introduced in Parliament.

Assam voted the BJP to office despite the fact that the party's leaders — including Amit Shah and Himanta Biswa Sarma — had declared in no uncertain terms that they would reintroduce the CAB. They had, however, postponed placing the Bill in the Rajya Sabha during the first term of the Modi government for fear of not being able to pass it. Even before the election, people in Assam had been agitating against the Bill, and it was largely assumed that the party would fare badly because of the agitation. Strangely, that did not happen and the BJP won handsomely.

In hindsight, we may explain the BJP victory in Assam bearing in mind two factors. One, Sarbananda Sonowal, the chief minister of Assam, a charismatic leader enjoying the people's love and trust, won the confidence of the people as he declared that he would do nothing that would harm the Assamese people. Two, the BJP government was displaying the welcome intention to fight corruption, which had been so rampant under the previous Congress government. People were full of high hopes, convinced that here was a government that meant business. However, as the days passed, those hopes began to give way to resignation, with

The people still had great trust in Sonowal, who was once hailed as a jatiyo nayok (national hero). They believed that he would not let something like the CAB happen. Nobody, not in the least the BJP, had any inkling of the enormity of the public outrage and anger that erupted once the Bill was passed. One thing is sure, even Sonowal will have a tough time to assuage the hard feelings of the Assamese who so naively, and unquestioningly, put their faith in Sonowal, their jatiyo nayok

the people, once again, realising that promises are made to be broken.

The BJP government failed to realise that the trust placed on it was waning. Which is why Sonowal and company didn't take the protests against the CAB seriously, dismissing the outcry as a conspiracy of a disgruntled elite without any mass base. They were not entirely mistaken. The people still had great trust in Sonowal, who was once hailed as a *jatiyo nayok* (national hero). They believed that he would not let something like the CAB happen. Nobody, not least the BJP, had any inkling of the enormity of the public outrage and anger that erupted once the CAB was passed.

One thing is certain — even Sonowal will have a tough time assuaging the hard feelings of the Assamese who so naively and unquestioningly put their faith in their *jatiyo nayok*. Sorba-da to many youth of the state.

It is fair to assume that we will not see the end of the agitation very soon, since people are talking of continuing the protests even while preparing to challenge the CAB in the Supreme Court. Let us see how the government responds to the demands of the people in the wake of the massive protests taking place in the state.

Patangia is a Guwahati-based novelist and short story writer in Assamese. She won the Sahitya Akademi award in 2014

## WHAT THE OTHERS SAY

In terms of reform capacity, the Western capitalist countries, such as the US, are far from role models to the world. — GLOBAL TIMES, CHINA

# Strengthening Indian values

Citizenship Amendment Bill will end persecution of those for whom Partition is an ongoing reality



ARJUN RAM MEGHWAL

THE LOK SABHA witnessed a historic moment at the stroke of midnight on December 9 with the passage of the Citizenship Amendment Bill, 2019.

India has a long history as a secular democracy where religious communities of every faith have thrived. The CAB has emerged as a "rights and relief giver" to persecuted illegal migrants, among Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan. The exclusion of Muslims from the ambit of this Bill flows from the obvious reality that these three countries are Islamist in nature, as stated in their own constitutions. Over the course of their history, the targeting of minorities for conversion or harassment is clearly visible from the fact that the minority population in Pakistan has decreased from 23 per cent in 1947 to 3.7 per cent in 2011. Similarly, the minority population in Bangladesh has decreased from 22 per cent in 1947 to 7 per cent in 2011.

In the beginning of 1950, resulting from the religious persecution of Hindus in erstwhile East Pakistan (now Bangladesh), lakhs of Hindus left their homes and came to India to live here. Syama Prasad Mookerjee, then minister in the interim government, urged strong action against Pakistan, but Prime Minister Jawaharlal Nehru signed a pact with Liaquat Ali Khan, Pakistan's prime minister.

In protest, Mookerjee resigned from the central cabinet two days before the pact and devoted himself wholeheartedly to the cause of the refugees. After resigning from the Union cabinet, during the statement in the provisional Parliament on April 19, 1950, Mookerjee pointed out the concerns of refugees: "At that time (Partition) little knowing that I would join the first Central Cabinet, I along with others, gave assurances to the Hindus of East Bengal (then East Pakistan and now Bangladesh), stating that if they suffered at the hands of the future Pakistan government, if they were denied elementary rights of citizenship, if their lives and honour were jeopardised or attacked, free India would not remain an idle spectator. Their just cause would be boldly taken up by the Government and people of India".

Here, it is also important to recall the noted scholar, activist and reasoned voice of Dalits, Jogendra Nath Mandal, who travelled to Pakistan and returned to India soon due to the growing hostility of Pakistan on minorities. He had established the Bengal branch of the All India Scheduled Caste Federation, which was led by B R Ambedkar nationally. After

Partition in 1947, Mandal became a member of the Constituent Assembly and then the highest-ranking Hindu minister — the first law and labour minister — of Pakistan. His time as a Hindu minister in Muslim-majority Pakistan remained one under suppression. Such dynamics, eventually, led to a situation where, in his resignation letter dated October 8, 1950, and addressed to Prime Minister Liaquat Ali Khan, Mandal highlighted the plight of Hindu minorities, their forced conversion and suppression, and their general dismal future: "I can no longer afford to carry this load of false pretensions and untruth on my conscience and I have decided to offer my resignation as your Minister, which I am hereby placing in your hands and which, I hope, you will accept without delay. You are of course at liberty to dispense with that office or dispose of it in such a manner as may suit adequately and effectively the objectives of your Islamic State."

On April 8, 1950, the Nehru-Liaquat agreement was signed regarding the security and rights of minorities in India and Pakistan, in New Delhi. Also, exactly six months after the Nehru-Liaquat agreement, Mandal resigned from his ministerial post with the Pakistan government, and fled to India — which clearly became an example of the failure of the treaty.

Similarly, Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from neighbouring nations who were facing hardships fled to India. Consequently, many institutions, NGOs, civil society groups have been deliberating and advocating for easing the lives of these minority refugees who still believe that the partition is not yet over for them.

The passage of the Bill in Parliament will give relief to these minorities (illegal migrants) who have entered India without valid documents and continue to stay in India after the expiry of their documents even as they are deprived of basic civic facilities.

Under the leadership of Prime Minister Narendra Modi, the government has sought to provide what the Nehru-Liaquat pact could not so far. Home Minister Amit Shah has explained the intent of the Bill in Parliament and meticulously clarified how the proposed CAB is going to complete this unfinished agenda, and, become a boon for all the victims of Partition, ending persecution of such minorities. This historic move, of granting citizenship rights to all these minorities, will bring them under the umbrella of mainstream development and various welfare programmes of the government. It is a moment of pride for all of us as this step will further strengthen India's centuries-old ethos of assimilation and belief in humanitarian values.

The writer is Union minister of state for parliamentary affairs, heavy industries, and public enterprises and is a Member of Parliament representing Bikaner constituency, Rajasthan. A longer version of this article is available at indianexpress.com

## LETTERS TO THE EDITOR

### JINGOISM AGAIN

THIS REFERS TO the editorial, 'Region's edge' (IE, December 13). The NRC process failed miserably in Assam. Even then, the Centre has harped on jingoism. The CAB is in line with measures such as the so-called surgical strikes, the Pulwama attack and abrogation of Article 370. The CAB is not an antidote to the common man's woes.

Deepak Singhal, Chennai

### DIFFERENT TIMES

THIS REFER TO the editorial, 'A boy called Yusuf' (IE, December 13). Yusuf belonged to an era when the idea of India was capacious, when our national landscape was both sensitive and respectful to the concerns of minorities and where on being questioned about your identity, you could answer using Shakespeare's famous words, 'What's in a name?'

Sangeeta Kampani, Delhi

### ACT OF EXCLUSION

THIS REFERS TO the editorial, 'A law that includes' (IE, December 11). The Citizenship Amendment Bill (CAB) is only about excluding Muslims. The reason for granting relaxation in citizenship from three Muslim majority countries to their minorities lacks thought and speaks of division on the basis of religion. The examples from Partition and the Bangladesh liberation war speaks of the absent-mindedness of the writer.

Viraj Gupta, Mumbai

### LETTER OF THE WEEK

#### STRIKE IT DOWN

THIS REFERS TO the editorial, 'Brute majority' (IE, December 12). During the debate over Citizenship Amendment Bill in the Lok Sabha, Home Minister Amit Shah said that "reasonable classification" is allowed under Article 14 of the Constitution. But perhaps he forgot that in Chitra Ghosh vs Union of India (1969), the Supreme Court said that any classification based on language, caste, religion or place of birth is not reasonable. Therefore, it is likely that the SC will strike down provisions that bring in a religious criterion for citizenship.

Monu Kumar, Patna

### NOT JUSTICE

THIS REFERS TO the article, 'An encounter with injustice' (IE, December 13). When corruption and incompetence become the defining attributes of the law enforcers and the trial process is tedious, the common man, in an emotionally charged state, equates instant revenge to fair justice. Instances of police encounters are lauded as acts of valour. This is dangerous.

Sudip Kumar Dey, Kolkata

## THE Urdu PRESS

### CAB CONCERNS

AN EDITORIAL IN *Munsiff* (December 11) says: "The Citizenship Amendment Bill being passed with a majority in the House clearly indicates that the country is losing its secular image — in fact, it has lost it for a long time now. India is by law a secular democracy, where all people from all religions have equal rights and full religious freedom. But now, those, who till a few days ago celebrated November 26 as the birthday of the Constitution, blew apart its secular edifice."

The newspaper writes that no one minds if citizenship laws are changed and some people allowed in. The objection is to the sole exclusion of Muslims. Muslims are an integral part of India, yet have been left out of the CAB. Hence, this is another stark example of discrimination against Muslims and the first step towards making India a Hindu rashtra.

*Siasat*, on the same day, has an editorial based on the "Amreeki" Commission terming the CAB as dangerous. It cites the US Commission on Religious Freedoms, which asked for "restrictions" against India's Home

Minister Amit Shah. It says the Commission believes this (CAB) is a step that would take India in the wrong direction. "The Commission believes that the steps taken by Amit Shah and other leaders will ensure that only a few people will be targeted and harassed because of this Bill, especially Muslims. Opposition parties have protested this Bill. India's precious history is based on secularism and the Constitution gives everyone the same rights."

*Urdu Times* in an editorial ("Yeh Kaisa Insaf"), speaks of "Rohingya Muslims, who have come to India after facing persecution on grounds of religion in Myanmar... Can Amit Shah not see this? His statements make it clear that he is planning to go after Muslims. He must first think of the rights he enjoys as a citizen. The Constitution has bestowed exactly the same rights on Muslim citizens." The paper adds: "If non-Muslims are being persecuted on grounds of faith in their countries and we are protecting them, then we must protect all those Muslims too who are being persecuted in their respective countries. This Bill would not have been opposed had all

manner of people been accommodated. An MP from Tamil Nadu asked Amit Shah why (Sri Lankan) Tamils, residing in India for 30 years, have not got any justice?"

*Roznama Rashtriya Sahara* ("CAB and Secularism!") is critical of those parties that went along with the BJP to back this Bill. "It is true that to succeed in politics, an ideology is required. But it is also true parties that change ideologies with time to succeed in politics also lose their image quickly. They are unable to do long-term politics. But those parties for whom secular and communal are merely two words, we cannot expect them to think of their long-term interests and that they should be careful to ensure that no one is discriminated against."

The *Etemaad* of All India Majlis-e-Itehadul Muslameen says, "We need to oppose this kind of *hathdharmi* — meaningless stubbornness."

### THE NRC SPECTRE

INQUILAB (DECEMBER 12) has an editorial on the National Register of Citizens. The

newspaper states that "the BJP is pushing (the NRC) as much as the opposition to it is rising. The BJP claims it is doing this as it is a promise made in its 2014 and 2019 manifestos, and that 13 crore Indians back it. But the BJP omits the fact that all Indians have not voted for it. As far as its manifesto goes, there are so many promises in it, and if the right kind of promises are fulfilled, the lives of Indians could be so much better. The GDP is not under control, nor is productivity getting better. The condition of women has not improved. But the government's resolve against triple talaq or for demonetisation and GST is not seen in the case of issues that matter." The editorial says that "despite the BJP being so 'disappointed' with the NRC in Assam, it is asking for the process to be carried out all over India. The NRC in Assam cost Rs 1,600 crore, took 10 years and involved 52,000 government officers. To use this formula all over India would be a big waste and drag on time, resources and money."

Compiled by Seema Chishti







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A protest by civil society in Guwahati on Friday. They defied curfew and security forces to mark their peaceful opposition to new citizenship law. PTI

## SIMPLY PUT QUESTION &amp; ANSWER

# Citizenship amendment law, decoded

The newly passed amendment to the Citizenship Act redefines the way migrants from three countries can become Indian citizens, linking this to their religion. What are the concerns about it nationwide, and why has it faced such fierce resistance in Assam? How does it relate to government's plans for an all-India NRC?

APURVA VISHWANATH  
& KABIR FIRAQUE

NEW DELHI, DECEMBER 13

THE CITIZENSHIP Amendment Bill (CAB) became law after receiving the President's assent on Thursday, following a bruising debate in Parliament. Assam has been in the throes of violence since Wednesday, when Rajya Sabha took up the Bill after it was passed in Lok Sabha, with its capital under indefinite curfew, and Army and paramilitary columns rolling across multiple towns. At least three Opposition ruled states — Kerala, Punjab and West Bengal — have said they will not implement the new citizenship law, and legal challenges have been made in the Supreme Court. Why is a change in the law, which the government claims is sympathetic and inclusionary, being called unconstitutional and anti-Muslim, and triggering such powerful reactions?

## Why is Assam in particular seeing such strong protests?

In Assam, what is primarily driving the protests is not who are excluded from the ambit of the new law, but how many are included. The protesters are worried about the prospect of the arrival of more migrants, irrespective of religion, in a state whose demography and politics have been defined by migration. The Assam Movement (1979-85) was built around migration from Bangladesh, which many Assamese fear will lead to their culture and language being overtaken, besides putting pressure on land resources and job opportunities.

The protesters' argument is that the new law violates the Assam Accord of 1985, which sets March 24, 1971 as the cutoff for Indian citizenship. This is also the cut-off for the National Register of Citizens (NRC) in Assam, whose final version was published this year. Under the new law, the cutoff is December 31, 2014, for Hindus, Christians, Sikhs, Parsis, Buddhists and Jains from Pakistan, Bangladesh and Afghanistan. It has become controversial largely because it excludes Muslims.

## Under the earlier law, how could these categories of people apply for Indian citizenship?

Under Article 6 of the Constitution, a migrant from Pakistan (part of which is now Bangladesh) is to be granted citizenship if she entered India before July 19, 1948. In Assam, which has seen large-scale migration from East Pakistan (later Bangladesh), a migrant will get citizenship if she entered the state before the 1971 date mentioned in the Assam Accord.

As far as illegal immigrants are concerned, India does not have a national policy on granting asylum or refugee status. The Home Ministry, however, has a standard operating procedure for dealing with foreign nationals who claim to be refugees. The government has dealt with refugees on a case-by-case basis by either granting them work permits or long-term visas. Significantly, there was no provision in the Citizenship Act to grant citizenship particularly to minorities or refugees till the latest amendment.

## What are the citizenship laws for others?

Under the The Citizenship Act, 1955, there are four ways to obtain citizenship.

**CITIZENSHIP BY BIRTH:** In 1955, the law provided that anyone born in India on or after January 1, 1950 would be deemed a citizen by birth. This was later amended to limit

citizenship by birth to those born between January 1, 1950 and January 1, 1987.

It was amended again by the Citizenship Amendment Act, 2003; those born after December 3, 2004 will be deemed a citizen of India by birth if one parent is an Indian and the other is not an illegal immigrant. So, if one parent is an illegal immigrant, the child born after 2004 will have to acquire Indian citizenship through other means, not simply by birth. The law describes an illegal migrant as a foreigner who: (i) enters the country without valid travel documents, like a passport and visa, or (ii) enters with valid documents, but stays beyond the permitted time period.

**CITIZENSHIP BY DESCENT:** A person born outside India and who has at least one Indian parent will be granted citizenship provided that the birth is registered within 1 year with the Indian consulate in the jurisdiction.

**CITIZENSHIP BY REGISTRATION:** This is for persons related to an Indian citizen through marriage or ancestry.

**CITIZENSHIP BY NATURALISATION:** Section 6 of the Citizenship Act states a certificate of naturalisation can be granted to a person who is not an illegal immigrant and has resided in India continuously for 12 months before making an application. Additionally, in the 14 years before the 12-month period, the person must have lived in India for at least 11 years (relaxed to five years for the categories covered under the new amendment).

**WAIVER:** If in the opinion of the central government, the applicant has rendered distinguished service to the cause of science, philosophy, art, literature, world peace or human progress generally, it may waive all or any of the conditions in the Act. This is how the Dalai Lama or Adnan Sami, the Pakistani singer, were granted Indian citizenship.

## How many people could now be given Indian citizenship under the new law?

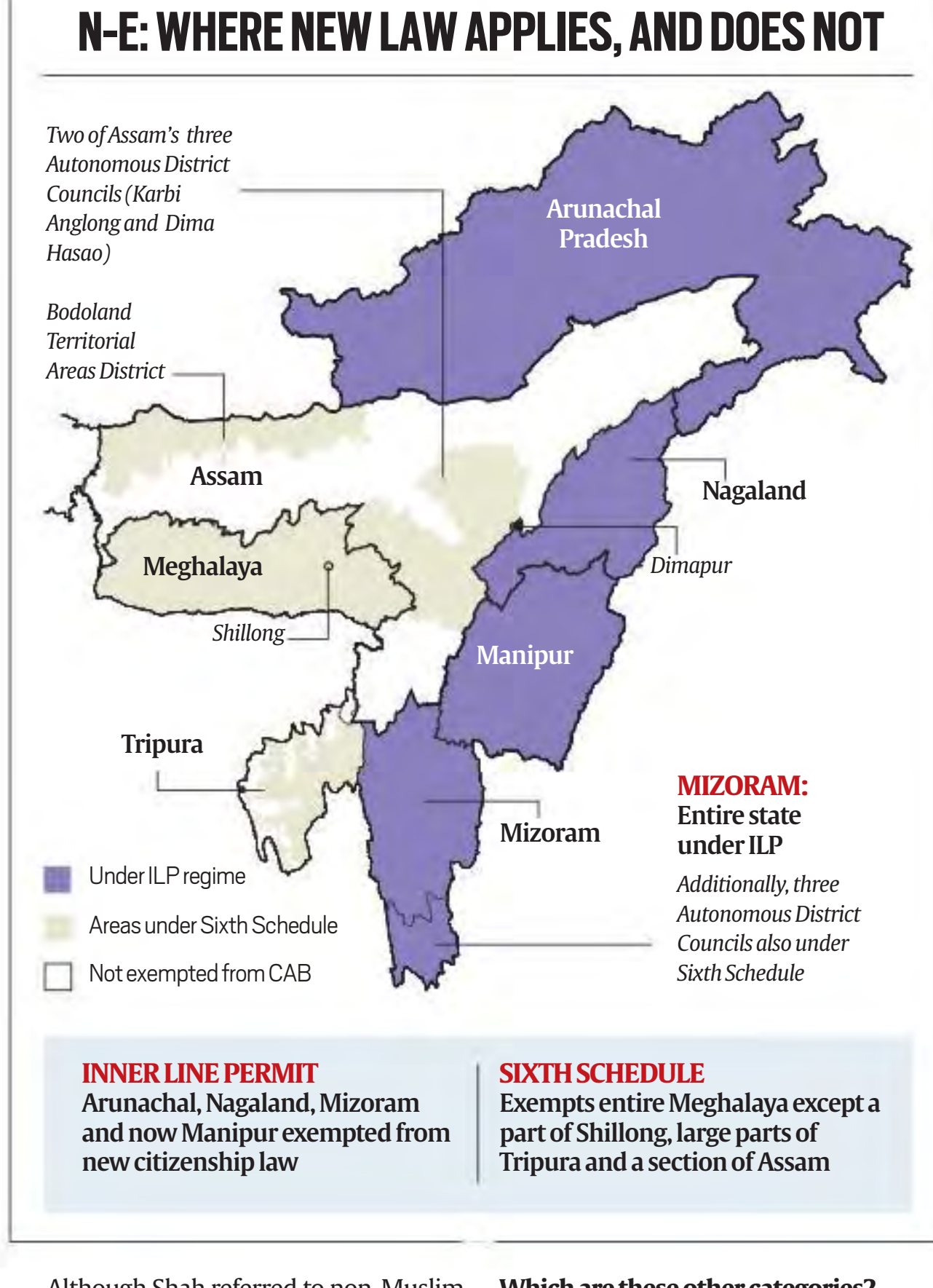
Home Minister Amit Shah referred to the amendment as bringing relief to "lakhs and crores of non-Muslim refugees from Pakistan, Bangladesh and Afghanistan". As of December 31, 2014, the government had identified 2,89,394 "stateless persons in India", according to data presented in Parliament by the Home Ministry in 2016. The majority were from Bangladesh (1,03,817) and Sri Lanka (1,02,467), followed by Tibet (58,155), Myanmar (12,434), Pakistan (8,799) and Afghanistan (3,469). The figures are for stateless persons of all religions.

For those who came after December 31, 2014, the regular route of seeking refuge in India will apply. If they are regarded as illegal immigrants, they cannot apply for citizenship through naturalisation, irrespective of religion.

## Are the communities mentioned indeed persecuted in these three countries?

In Rajya Sabha, the Home Minister relied on news reports as evidence of religious persecution against Hindus in Pakistan, ranging from forced conversion to demolition of temples. Notable examples were Asia Bibi, a Pakistani Christian convicted of blasphemy who spent eight years on death row before being acquitted by the Pakistan Supreme Court.

In Bangladesh, cases of killings of atheists by Islamic militants are well-documented. While Shah claimed that persecution has been rampant since the death Sheikh Mujibur Rahman, Bangladesh's present Foreign Affairs Minister A K Abdul Momen has denied any religious persecution.



Although Shah referred to non-Muslim religions as persecuted minorities, the law avoids using the word persecution in its text.

## What exactly is debatable about the law, legally and constitutionally?

Legal experts and Opposition leaders have argued that it violates the letter and spirit of the Constitution. One argument made in Parliament is that the law violates Article 14 that guarantees equal protection of laws. According to the legal test prescribed by courts, for a law to satisfy the conditions under Article 14, it has to first create a "reasonable class" of subjects that it seeks to govern under the law. Second, the legislation has to show a "rational nexus" between the subject and the object it seeks to achieve. Even if the classification is reasonable, any person who falls in that category has to be treated alike. If protecting the persecuted minorities is ostensibly the objective of the law, then the exclusion of some countries and using religion as a yardstick may fall foul of the test.

Further, granting citizenship on the grounds of religion is seen to be against the secular nature of the Constitution which has been recognised as part of the basic structure that cannot be altered by Parliament.

Shah argued that "persecuted minorities in three neighbouring countries, Pakistan, Bangladesh and Afghanistan, whose state religion is Islam", is a reasonable classification.

Another argument is that the law does not account for other categories of migrants who may claim persecution in other countries.

## Which are these other categories?

The law will not extend to those persecuted in Myanmar (Rohingya Muslims) and Sri Lanka (Tamils). Shah has repeatedly made statements that not a single Rohingya Muslim will be allowed in India. Further, by not allowing Shia and Ahmadiyya Muslims who face persecution in Pakistan, or the Hazras, Tajiks and Uzbeks who faced persecution by the Taliban in Afghanistan, the law is being seen as potentially violating Article 14. In Parliament, Shah argued that Muslims can never be persecuted in Islamic countries.

Defending the exclusion of Shias and Ahmadiyyas from Pakistan, BJP MP Subramanian Swamy said a persecuted Shia would rather go to Iran than come to India.

About Sri Lanka and Bhutan, Shah insisted that neither country has Islam as the state religion. Incidentally, both Bhutan and Sri Lanka offer constitutional patronage to the state religion, Buddhism.

## Are these persecuted groups?

The Second Constitutional Amendment in Pakistan declared the Ahmadiyyas to be "non-Muslims" and their penal code makes it criminal for Ahmadis to refer to themselves as Muslims, and places restrictions on the community including denying it the right to vote.

In 2016, the US Commission on International Religious Freedom recommended declaring Pakistan a tier-1 Country of Particular Concern for severe violations of religious freedom under the International Religious Freedom Act.

In August this year, the US, the UK and Canada expressed concerns about religious oppression in China and Pakistan in a meeting on safety of religious minorities in armed conflict.

## Given that the law excludes only non-Indian Muslims, why is it being said that it is against Indian Muslims?

On the face of it, the amendment is not to exclude any Indian citizen. However, the NRC in Assam and the latest citizenship law cannot be decoupled. The final NRC left out over 19 lakh people. The new law gives a fresh chance to the Bengali Hindus left out to acquire citizenship, whereas the same benefit will not be available to a Muslim left out, who will have to fight a legal battle.

Shah and BJP leaders have maintained that the NRC process in Assam will be replicated in the rest of the country, fuelling fears among Indian Muslims. Plugged with NRC, the new amendment becomes an enabling law to potentially disenfranchise an individual of a religion not mentioned in the amendment.

Politically, the law is expected to impact West Bengal and Northeastern states. Assam and West Bengal head for polls in 2021.

## But if a nationwide NRC based on documents indeed happens, won't many Hindus also end up being excluded?

Exclusion of Hindus is a possibility. However, the citizenship law can shield many such Hindus. Shah said in Parliament that no documents or proof of persecution will be asked of non-Muslim minorities when applying for citizenship.

Congress leader Kapil Sibal said in Rajya Sabha that a Hindu left out of the NRC in Assam, and who will now apply under the new law, would effectively be lying. In the NRC process, an individual would have submitted an application that she is an Indian. Now, while applying for citizenship, she would have to submit that she fled Bangladesh, Afghanistan or Pakistan where she faced religious persecution.

However, an exercise like the NRC, which cost approximately Rs12,000 crore in Assam alone and took years, will be mind-boggling for all of India in terms of scale and cost. Unlike Assam, where there was broad political and public consensus for NRC, a pan-India NRC is likely to be resisted by parties, governments, groups, and individuals.

## Shah said in Parliament that the legislation was intended to correct the flaws of the Nehru-Liaquat Pact of 1950. What was this agreement?

In the aftermath of Partition and the communal riots that followed, Prime Ministers Jawaharlal Nehru and Liaquat Ali Khan signed a treaty, also known as the Delhi Agreement, on security and rights of minorities in their respective countries. India had constitutional guarantees for rights of minorities and Pakistan had a similar provision in the Objectives Resolution adopted by its Constituent Assembly. Shah claims India has kept its end of the bargain while Pakistan has failed, and it is this wrong that the new law seeks to correct.

## Kerala, West Bengal and Punjab have refused to implement it. Can they?

The non-BJP ruling parties in these states are making a political point. Citizenship, aliens and naturalisation are subjects listed in List 1 of the Seventh Schedule and fall exclu-

sively under the domain of Parliament.

Most states of the Northeast are, however, wholly or partially exempted under special provisions for tribal areas, such as Inner Line Permit (Arunachal Pradesh, Nagaland, Mizoram and now extended to Manipur) and the Sixth Schedule with special provisions in practically all of Meghalaya, and a large chunk of Tripura.

## How much of Assam is exempt?

In Assam, three Autonomous Districts are exempted but the new law remains applicable to the major area. This also raises the question: can there be two citizenship laws applicable to the same state?

Under Clause 5.8 of the Assam Accord, "Foreigners who came to Assam on or after March 25, 1971 shall continue to be detected, deleted and practical steps shall be taken to expel such foreigners."

## What is the Assam Accord and how did it lead to the NRC?

It was signed on August 15, 1985 by the Governments of India and Assam, and the All Assam Students' Union and the All Assam Gana Sangram Parishad in New Delhi. It came at the end of a six-year mass movement, spearheaded by students, against illegal migration from East Pakistan/Bangladesh.

The process of identifying foreigners was laid down in the Illegal Migrants (Determination by Tribunals) Act of 1983, applicable only to Assam. In 2005, it was struck down by the Supreme Court as unconstitutional. The petitioner, Sarbananda Sonowal (now Assam Chief Minister), had argued that the provisions were so stringent that it virtually made "detection and deportation of illegal migrants almost impossible".

The present NRC (an update of the existing NRC of 1951) began in 2013. On a litigation by NGO Assam Public Works seeking removal of names of illegal immigrants from the voters list, the Supreme Court relied on two rulings on cases filed by Sonowal, and justified its intervention to update the NRC. The process was monitored by the Supreme Court.

## The Home Minister assured that Assam's culture would be protected under Clause 6 of the Assam Accord. What is it about?

This was added to the Assam Accord as a balancing factor. While the citizenship cut-off date for a migrant from Pakistan for the rest of the country was July 19, 1948 (before the amendment), for Assam it was set at March 24, 1971. Because of the additional migration, Clause 6 promised that "Constitutional, legislative and administrative safeguards, as may be appropriate shall be provided to protect, preserve and promote the culture, social, linguistic identity and heritage of the Assamese people."

This protection is covered under Section 6A of the Citizenship Act, which created "special provisions as to citizenship of persons covered by the Assam Accord." The constitutional validity of Section 6A is under challenge before the Supreme Court.

It has not yet been defined who will be listed as the "Assamese people". A widely held view is that it should cover those who could trace their ancestry in Assam back to at least 1951, excluding citizens who came during 1951-71. A committee set up by the Centre is yet to make recommendations on what form the special provisions would take — land rights, political rights, cultural preservation.