

# National Campaign on Dalit Human Rights

## Statement condemning the exclusionary, bigoted Citizenship Amendment Act, 2019

We unequivocally condemn the discriminatory, exclusionary Act that is the Citizenship (Amendment) Act of 2019. Parliament passed the Citizenship (Amendment) Act on 11th December 2019, and subsequently the President gave assent to it which promises to provide citizenship to refugees and immigrants from 6 religious ethnicities, namely Hindus, Buddhists, Sikhs, Jains, Parsis and Christians from three countries, namely Pakistan, Bangladesh and Afghanistan.

The Act is unconstitutional as the Act is primarily focused on establishing a religion-based classification which is an impermissible classification and therefore violative of Articles 14, 21 and 25 of the Indian Constitution. It stands completely in contrast to the religious pluralism of our country.

There is an established Standard Operating Procedure, issued by the home ministry, which distinguishes between minorities from Pakistan, Afghanistan and Bangladesh, and those from other countries. If this procedure is already being followed, is this law even required? It is exclusionary of Dalit Muslims, Atheists and other persecuted minorities. The government made changes to the passport and foreigner's acts to allow non-Muslim refugees from these countries to stay back in India even if they entered the country without valid papers.

The Bill is discriminatory, deliberately singling and excluding Muslims out of the bill. It also doesn't include other countries specifically due to the persecuted being Muslims. It also assumes that persecution can only be religious, and not social or economic. The fact that it sets a barrier as a religious one goes against the very spirit of the Article 15 and Article 14 of the Constitution, which penalizes discrimination and ensures inclusivity.

The government has tried to clarify this singling out by saying that the bill talks of three countries, namely Pakistan, Afghanistan and Bangladesh, each of whom are Islamic nations; hence they claim that Muslims won't face religious discrimination in an Islamic nation.

However, why should we, a secular nation use a divisive, exclusionary barrier such as that of religion. Even if the government's clarifications were true, some sects of Muslims do face religious persecution in the Islamic nations the government talks of, such as the Ahmediyas and Hazaras of Pakistan, Bihari Muslims in Bangladesh, Rohingya Muslims of Myanmar. It cleverly draws only three countries into its purview, ignoring these countries, and ignoring Dalits, Bahujans and Adivasis. It also takes into account only Hindus who speak Hindi, because Tamil Nadu has a huge population of Sri Lankan Tamil refugees who were persecuted by the Sinhalese.

The Dalit Muslims have also have been facing discrimination in these three countries but it leaves them out. The amendment takes none of these factors in purview.

Furthermore, we cannot look at the Citizenship Amendment Bill in isolation. Clubbed with the NRC, Muslims will be openly discriminated against and indigenous groups will be forced to use their resources on proving the validity of their citizenship. The amendments by this bill exempt the listed refugees from the application of the Passport (Entry into India) Act, 1920 and Foreigners Act, 1946 that provide for prosecution and detention of irregular migrants and foreigners. Subjecting one set of asylum seekers to detention and exempting others contravenes Article 21 which protects every person from arbitrary deprivation of personal liberty.

We strongly condemn the bill and demand that it be repealed.

**N Paul Divakar**  
Chairperson  
Asia Dalit Rights Forum

**VA Ramesh Nathan**  
General Secretary  
National Dalit Movement  
for Justice-NCDHR

**Asha Kowtal**  
General Secretary  
All India Dalit Mahila  
Adhikar Manch

**Beena Pallical**  
General Secretary  
Dalit Arthik Adhikar  
Andolan-NCDHR