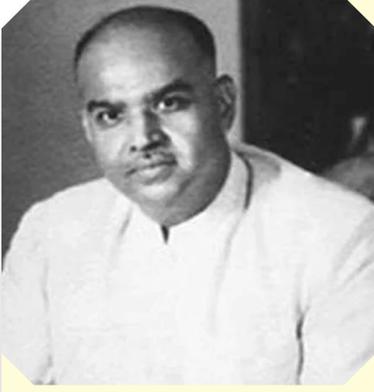


White Paper On Citizenship Amendment Bill



**Dr. Syama Prasad Mookerjee
Research Foundation**

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Research Foundation**



I along with others, gave assurances to the Hindus of East Bengal, 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 and their just cause would be boldly taken up by the Government and people of India.

Let us not forget that the Hindus of East Bengal are entitled to the protection of India, not on humanitarian considerations alone, but by virtue of their sufferings and sacrifices, made cheerfully for generations, not for advancing their own parochial interests, but for laying the foundations of India's political freedom and intellectual progress.

Islamic State is Pakistan's creed and a planned extermination of Hindus and Sikhs and expropriation of their properties constitute its settled policy. As a result of this policy, life for the minorities in Pakistan has become nasty, brutish and short. Let us not be forgetful of the lessons of history. We will do so at our own peril. I am not talking of by-gone times, but if anyone analyses the course of events in Pakistan since creation, it will be manifest that there is no honourable place for Hindus within that State. The problem is not communal. It is essentially political.

(Statement by Dr. S.P. Mookerjee in Parliament on his resignation as Minister of Industry and Supply, 19th April, 1950)

Editors

Ayush Anand

Research Associate,
Dr. Syama Prasad Mookerjee Research Foundation

Shubendu Anand

Research Fellow,
Dr. Syama Prasad Mookerjee Research Foundation

Research Team

Shubham Tiwari | Vishal Kumar

Layout

Ajit Kumar Singh



Dr. Syama Prasad Mookerjee
Research Foundation

**Dr. Syama Prasad Mookerjee
Research Foundation**

9, Ashoka Road, New Delhi- 110001

Web :- www.spmrf.org, E-Mail: office@spmrf.org,

  @spmrfoundation

Phone:011-23005850

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Introduction

“Why do we need this Bill today? After independence, if Congress had not done partition on the basis of religion, then, today we would have not needed this Bill. Congress did partition on the basis of religion”- Home Minister Shri Amit Shah on Citizenship Amendment Bill, 2019 in Lok Sabha on 9th Dec, 2019

Till the advent of a decisive and focused government led by Prime Minister Narendra Modi Indian politics had often been suffering from the deadly disease of vote-bank. Issues of national interest, cultural identity, civilizational causes, humanitarian and governance concerns are decided taking into account the considerations of vote-bank. It was thus not surprising but really unfortunate to see that when the moment came to correct the injustices done to victims of the Radcliffe line which had demarcated a partitioned India in 1947 and had inflicted untold miseries on a large number of people, some political parties – especially those who have ruled India for the longest period of time – prioritized their interests based on vote-bank in Parliament. It was ironical to see them opposing the Bill, more so because many leaders in the past in these parties had sometimes argued in favour of minorities from Pakistan and Bangladesh, as will be seen in this document. Shifting goalposts these parties and their leaders have gone all out in opposing the passing of the Citizenship Amendment Bill 2019. The parties which have most indulged in vote-bank politics, rule bordering states like West Bengal, are most loudly opposed to the passage of the Bill which will confer citizenship to large number of beleaguered people.

Indian National Congress which is responsible for the partition of the country and is the originator of problems in Assam, opposed the Bill in the House thereby giving a message that India does not really belong to persecuted Hindus and Sikhs. People who advocate giving unrestrained and free entry to Rohingyas in India opposed the Bill simply because those who benefitted from this were Hindus, Sikhs, Jains, Christians and Parsis. For them, it appears, that these minorities in our neighbouring countries have no human rights and especially Hindus & Sikhs don't even deserve to be recognized as persecuted and therefore entitled to Indian citizenship. It was really unfortunate to see the Congress opposing the Bill as a principle opposition party “tooth and nail”, it is known that the Congress, as a party has always historically betrayed the Hindus of Pakistan/East Pakistan and later Bangladesh. It has failed to keep its promise to protect them.

Trinamool Congress leaders, while participating in the debate Lok Sabha profusely quoted from Rabindranath Tagore and Swami Vivekananda, one among the TMC group, while speaking claimed to be a “Bengali Hindu” and yet ironically the party decided to oppose this very Bill which intends and which will lift out of misery lakhs of helpless Bengali Hindu refugees. This dual standard, this political opportunism, to cater to the infiltrator

vote-bank while dumping the Hindu refugees of West Bengal is a another historic act of betrayal.

The TMC has also betrayed the Matuas who will be benefitted finally from the passage of this Bill. Apart from TMC, the Left parties had also voiced, many times in the past, their support for citizenship for this community but they turned out to be hypocrites on the floor of the House by opposing this Bill, which would have provided them that citizenship. This only shows that the Congress, communist parties and the TMC have only used the refugees for furthering their political agenda and have never worked to give them a dignified existence and permanent citizenship in this country.

It is pertinent to also mention that the majority of these refugees are Schedule Castes however, BSP and Ms. Mayawati who claim to be messiah of Harijans in India could not gather the courage to support the Bill fearing that this would antagonize their Muslim vote-bank. The propaganda of the violation of Article 14, compromise with the secular character of the Constitution and that of the Bill being Anti-Muslim needs to be clarified to expose the hypocrisy and double-standards of Indian political opposition. Union Home Minister Amit Shah, has clarified, not once but a number of times on the floor of both the Houses of Parliament in course of the debate on the Bill, that this has nothing to do with Indian Muslims, that all Muslims who are Indian citizens need not be worried on account of the passage of this Bill, that this Bill is not meant to take away anyone's citizenship but is to confer citizenship.

Interestingly, if one were to look in the past, many prominent members of the Constituent Assembly like Pt. Thakurdas Bhargava, Sardar Bhopinder Singh Man, Professor Shibbanlal Saxena on 11th and 12th, August, 1949 raised their voice for giving citizenship to Hindus and Sikhs across the globe considering India as their only homeland though the idea was vetoed by Pt. Jawaharlal Nehru.

But today in the case of Pakistan's failure to ensure the rights of its minorities, they become the responsibility of the Indian state and cannot be left to die or be faced with forced conversion. This was an unfinished agenda of the partition. Even the NDA-I government, under late Shri Atal Bihari Vajpayee, had tried on similar lines by conferring special rights to District Collectors in Rajasthan and Gujarat to decide the applications of citizenship for Hindus and Sikhs refugees. Prime Minister Narendra Modi's historic commitment and promise made in 2014 and again in 2019, to pass the Bill and grant citizenship has now been fulfilled.

On the objection that the Bill discriminates against Muslims, it must be understood that it offers a future and a protected existence for minorities who in the three countries mentioned are facing religious persecution. Since these three countries – Pakistan, Afghanistan, Bangladesh are declared Islamic republics – and since Muslims are neither oppressed nor minorities in them they are not eligible for Indian citizenship.

This classification in the Bill qualifies the test of 'Reasonable Classification' for giving preferential treatment as has been laid down for Article 14 and is in consonance with the law of the land. There is no religious discrimination in the Bill, it ascertains the interests of the minorities and as per the commitment given to

them during partition focuses on fulfilling that commitment. The opposition parties stand exposed, they have fumbled on their commitment to these refugees, they are blinded by vote-bank politics.

Dr. Syama Prasad Mookerjee resigned from the Nehru Cabinet in opposition of Nehru-Liaquat Pact inked on 8th April, 1950. He foresaw that the 'Delhi Agreement' would fail. It was unfortunate that in order to pander to a pseudo-secular conscience millions of refugees, who were the victims of religious persecution were sacrificed. Dr. Mookerjee's words still ring true in the context of this debate, "Let us not forget that the Hindus of East Bengal are entitled to the protection of India, not on humanitarian considerations alone, but by virtue of their sufferings and sacrifices, made cheerfully for generations, not for advancing their own parochial interest, but for laying the foundations of India's political freedom and intellectual progress. It is the united voice of the leaders that are dead and of the youth that smilingly walked upto the gallows for India's cause that calls for justice and fairplay at the hands of Free India of today..." That justice and fair-play has now been finally worked out with the passage of the historic Citizenship Amendment Bill under the leadership of Prime Minister Shri Narendra Modi and deftly argued and piloted by Home Minister Shri Amit Shah. A historic wrong has been rectified, a historic commitment fulfilled.

This monograph attempts to look at the historic context of the Citizenship Amendment Bill, its various dimensions, debates it had generated, the present and gives a general overview of the entire debate.

- Dr. Anirban Ganguly

Director

Dr. Syama Prasad Mookerjee Research Foundation

Tweets of PM Shri Narendra Modi on CAB

- CAB will be a law written in golden letters and they were confident of passing it with a simple majority. Persecuted minorities will not only get citizenship but also have permanent residency.
- Delighted that the Lok Sabha has passed the Citizenship (Amendment) Bill, 2019 after a rich and extensive debate. I thank the various MPs and parties that supported the Bill. This Bill is in line with India's centuries old ethos of assimilation and belief in humanitarian values.
- I would like to specially applaud Home Minister @AmitShah Ji for lucidly explaining all aspects of the Citizenship (Amendment) Bill, 2019. He also gave elaborate answers to the various points raised by respective MPs during the discussion in the Lok Sabha.



Salient Points of Union Home Minister Shri Amit Shah's Speech on Citizenship Amendment Bill in Lok Sabha

Date: 9 December, 2019

- This is not the first occasion when a government has taken a decision on citizenship. In 1971, Smt. Indira Gandhi had decided to give citizenship to everyone who came from Bangladesh. Why weren't people who came from Pakistan given Citizenship then? Even after 1971, minorities have been continuously persecuted in Bangladesh. The genocide hasn't stopped. Congress gave refugees from Uganda citizenship but not from England. Why? There was a reasonable classification behind it.
- We need to look at the Constitution of these 3 countries in detail if we have to understand this Bill. Article 2 states in The Constitution of Afghanistan that Islam is the religion of the country. There are similar provisions in Constitutions of Pakistan & Bangladesh as well.
- During Partition, refugees were exchanged. The Nehru-Liaquat Pact happened in 1950 in which both countries promised to take care of its minorities but Pakistan did not fulfil its promise. The Bill aims to provide citizenship to those minorities persecuted for religious reasons who have come to India. We aren't taking away any rights from Muslims, contrary to the propaganda being peddled.
- Had the Congress Party not allowed the Partition of this country on the basis of religion, this Bill wouldn't be needed. It isn't our fault, it's theirs.



- If any Muslim individual applies for the same, it will be considered with an open mind. Ground of religious persecution of Muslims is out of question, because all three countries have Muslims as Majority. I want to assure this House that this Bill will only bring justice to the people who have been waiting for it for 70 years. It is not targeting anyone and will do no injustice.
- I believe every political party must fight elections on its manifesto, which is built by the opinion of the people of the country, and not on some leader or family. This is what has happened here. This Bill was in BJP's manifesto for 2014 & 2019 elections. After this Bill is passed by this House, crores of people would be liberated from distress and would become the citizens of India with honour.
- It is the responsibility of every country to protect its boundaries and stop infiltration. We can't open the country for everyone. Every country makes its law to protect itself and so have we. It is the duties of any government to protect its border, stops the intruders, and distinguish between refugees and intruders. Which country hasn't formulated a law for granting citizenship to foreign nationals?
- After the 1971 war and formation of Bangladesh, refugees were given Citizenship and no one, including our party, protested against it. There are crores of people who're suffering at the moment. I challenge the MPs from Bengal and Congress to prove that the Bill is partial in any way.
- In this Bill, we're protecting the social and linguistic uniqueness of the North East people. Nobody needs to fear it. Nagaland and Mizoram are protected by Inner Line Permit and it will continue to remain protected. Keeping in mind the feelings of Manipur, we're including them into the Inner Line Permit as well. Meghalaya is protected by the Sixth Schedule.
- I've discussed this matter for 119 hours in recent times with over 140 NGOs, political parties and CMs of several states. Their suggestions have been duly incorporated in this Bill.
- Some members have declared this bill as unconstitutional on the basis of article 14. I would like to say this bill is not unconstitutional by any means. Nor does this violate Article 14. This bill does not violate Article 14, Article 21 or Article 25. This is in accordance with the constitution.
- We can't make this mistake of not accepting someone who has to come here to protect his sisters/daughters or to protect his religion. We will definitely accept them, give them citizenship and would honour them in front of the whole world.
- Our definition of minorities is not wrong. This entire bill is for the minorities of those three nations. Muslims in Bangladesh, Afghanistan and Pakistan cannot be minorities because Islam is their national religion.
- A lot of temples were destroyed in these countries. In 1992, there were 2 lakh Hindus and Sikhs religious places were in Afghanistan and in 2018 only 500 remain. The entire nation witnessed the demolition of religious places. Lord Buddha's statue was destroyed by a canon shell. Where would these minorities go?
- I want to convey to the entire nation through this house that there is a fundamental difference between a refugee and intruder.
- The mistake of Nehru-Liaquat Pact has been corrected by Prime Minister Modi.

Historical Backdrop of Partition



The Independence of India came with tragic communal violence engulfing the life of more than a million people amidst the demand of separate Pakistan and the threat of 'Direct Action'. The demand of partition was finally met by Indian Independence Act, which created East and West Pakistan giving almost one third of the total Indian Territory to one fifth of the total Muslim population. Exchange of population on both sides of respective religious people could have been a pragmatic consolation of unrealistic and unwarranted partition but unfortunately lack of farsightedness and obsession with defective secularism did not allow us to do that. The other alternative voice concerned about the rights of Hindu, Sikh and other religious minorities in India, vociferously proposed that both India and Pakistan must decide in consonance the rights of their respective minorities, Dr. Syama Prasad Mookerjee insisted that let Pakistan ensure the rights of its minorities then we must finalize our draft of minority rights. Unfortunately such voices received deaf ears in the Constituent Assembly and finally by the signing of '*Nehru-Liaquat Pact*' on 8th April, 1950 in Delhi between Jawaharlal Nehru and Liaquat Ali Khan it was all over. This one decision surrendered the fate of the Hindus, Sikhs & other minorities of Pakistan in the hands of Islamic fundamentalists who targeted and persecuted them in every possible way.

Nehru-Liaquat Pact

The Government of India and that of Pakistan entered into a bilateral agreement on 8th April, 1950 where they agreed to retain and ensure the rights of respective minorities in their territory which were left after large scale migration on both sides. It was highly criticized by a very large section of Indian political leadership, and Dr. Syama Prasad Mookerjee



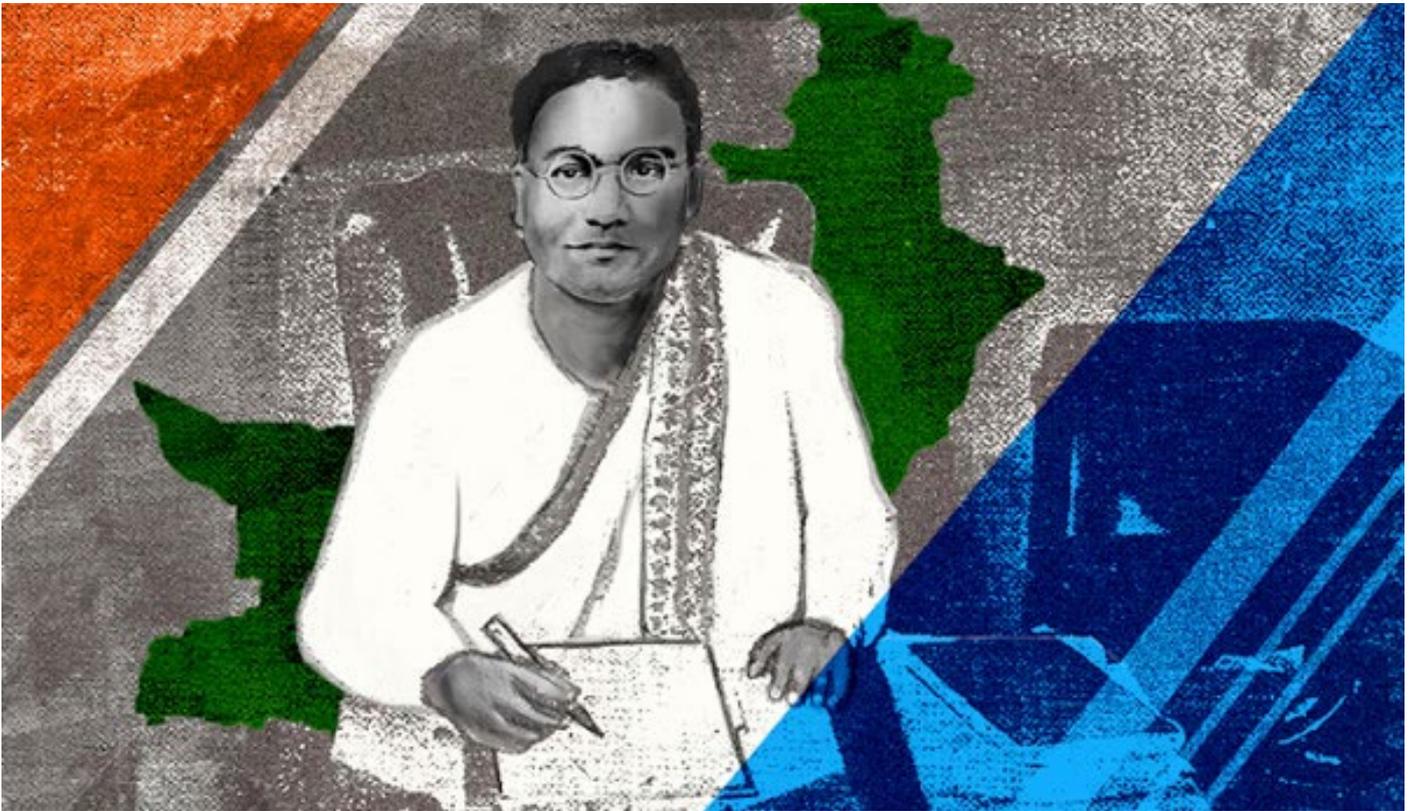
resigned from the Nehru Cabinet on 8th April itself before this agreement was signed in Delhi opposing this historical blunder. Irrespective of such genuine concerns, the then leadership moved forward with the agreement which stated that—

The Governments of India and Pakistan solemnly agree that each shall ensure, to the minorities throughout its territory, complete equality of citizenship, irrespective of religion, a full sense of security in respect of life, culture, property and personal honour, freedom of movement within each country and freedom of occupation, speech and worship, subject to law and morality. Members of the minorities shall have equal opportunity with members of the majority community to participate in the public life of their country, to hold political or other office, and to serve in their country's civil and armed forces. Both Governments declare these rights to be fundamental and undertake to enforce them effectively. The Prime Minister of India has drawn attention to the fact that these rights are guaranteed to all minorities in India by its Constitution. The Prime Minister of Pakistan has pointed out that similar provision exists in the Objectives Resolution adopted by the Constituent Assembly of Pakistan. It is the policy of both Governments that the enjoyment of these democratic rights shall be assured to all their nationals without distinction.

Both Governments wish to emphasise that the allegiance and loyalty of the minorities is to the State of which they are citizens, and that it is to the Government of their own State that they should look for the redress of their grievances.

- Nehru Liaquat Pact, 1950.

The Story of First Law Minister of Pakistan



All of us know that the first Law Minister of India was a Dalit but do we also know that the first law minister of Pakistan was also a Dalit. His name was Jogendra Nath Mandal and its tragic that he helped Muslim League getting districts like Sylhet in Assam by mobilizing his support in their favour. Ironically he died as a refugee in Indian state of West Bengal after resigning from the Cabinet of Pakistan on 8th October, 1950. His resignation letter to the Prime Minister of Pakistan tells everything about the nature and scale of serious atrocities that were inflicted on minorities in Pakistan.

Here are some of the excerpts from that resignation letter which show how big that what a blunder Nehru-Liaquat Pact was, which was signed exactly six months before Mandal's resignation;

“It is with a heavy heart and a sense of utter frustration at the failure of my lifelong mission to uplift the backward Hindu masses of East Bengal that I feel compelled to tender resignation of my membership of your cabinet. It is proper that I should set forth in detail the reasons which have prompted me to take this decision.

3. After the general elections held in March 1946 Mr. H.S. Suhrawardy became the leader of the League Parliamentary Party in March 1946 and formed the League Ministry in April 1946. I was the only Scheduled Caste member returned on the federation ticket. I was included in Mr. Suhrawardy's Cabinet. The 16th day of August of that year was observed

in Calcutta as 'The Direct Action Day' by the Muslim League. It resulted, as you know, in a holocaust. Hindus demanded my resignation from the League Ministry. My life was in peril. I began to receive threatening letters almost every day. But I remained steadfast to my policy. Moreover, I issued an appeal through our journal 'Jagaran' to the Scheduled Caste people to keep themselves aloof from the bloody feud between the Congress and the Muslim League even at the risk of my life. I cannot but gratefully acknowledge the fact that I was saved from the wrath of infuriated Hindu mobs by my Caste Hindu neighbours. The Calcutta carnage was followed by the 'Noakhali Riot' in October 1946. There, Hindus including Scheduled Castes were killed and hundreds were converted to Islam. Hindu women were raped and abducted. Members of my community also suffered loss of life and property. Immediately after these happenings, I visited Tipperah and Feni and saw some riot-affected areas. The terrible sufferings of Hindus overwhelmed me with grief, but still I continued the policy of co-operation with the Muslim League

8. It may also be mentioned in this connection that I was opposed to the partition of Bengal. In launching a campaign in this regard I had to face not only tremendous resistance from all quarters but also unspeakable abuse, insult and dishonour. With great regret, I recollect those days when 32 crores of Hindus of this Indo-Pakistan Sub-continent turned their back against me and dubbed me as the enemy of Hindus and Hinduism, but I remained undaunted and unmoved in my loyalty to Pakistan.

11. The first incident that shocked me took place at a village called Digharkul near Gopalganj where on the false complaint of a Muslim brutal atrocities were committed on the local Namahsudras. The fact was that a Muslim who was going in a boat attempted to throw his net to catch fish. A Namahsudra who was already there for the same purpose opposed the throwing of the net in his front. This was followed by some altercation and the Muslim got annoyed and went to the nearby Muslim village and made a false complaint that he and a woman in his boat had been assaulted by the Namahsudras. At that time, the S.D.O. of Gopalganj was passing in a boat through the canal, who without making any enquiry accepted the complaint as true and sent armed police to the spot to punish the Namahsudras. The armed police came and the local Muslims also joined them. They not only raided some houses of the Namahsudras but mercilessly beat both men and women, destroyed their properties and took away valuables. The merciless beating of a pregnant woman resulted in abortion on the spot. This brutal action on the part of the local authority created panic over a large area.

12. The second incidence of police oppression took place in early part of 1949 under P.S. Gournadi in the district of Barisal. Here a quarrel took place between two groups of members of a Union Board. One group which was in the good books of the police conspired against the opponents on the plea of their being Communists. On the information of a threat of attack on the Police Station, the O.C., Gournadi requisitioned armed forces from the headquarters. The Police, helped by the armed forces, then raided a large number of houses in the area, took away valuable properties, even from the house of absentee-owners who were never in politics, far less in the Communist Party. A large number of persons over a wide area were arrested. Teachers and students of many High English Schools were Communist

suspects and unnecessarily harassed. This area being very near to my native village, I was informed of the incident. I wrote to the District Magistrate and the S.P. for an enquiry. A section of the local people also prayed for an enquiry by the S.D.O. But no enquiry was held. Even my letters to the District authorities were not acknowledged. I then brought this matter to the notice of the highest Authority in Pakistan, including yourself but to no avail.

22. During my nine days' stay at Dacca, I visited most of the riot-affected areas of the city and suburbs. I visited Mirpur also under P.S. Tejgaon. The news of the killing of hundreds of innocent Hindus in trains, on railway lines between Dacca and Narayanganj, and Dacca and Chittagong gave me the rudest shock. On the second day of Dacca riot, I met the Chief Minister of East Bengal and requested him to issue immediate instructions to the District authorities to take all precautionary measures to prevent spreading of the riot in district towns and rural areas. On the 20th February 1950, I reached Barisal town and was astounded to know of the happenings in Barisal. In the District town, a number of Hindu houses were burnt and a large number of Hindus killed. I visited almost all riot-affected areas in the District. I was simply puzzled to find the havoc wrought by the Muslim rioters even at places like Kasipur, Madhabpasha and Lakutia which were within a radius of six miles from the District town and were connected with motorable roads. At the Madhabpasha Zamindar's house, about 200 people were killed and 40 injured. A place, called Muladi, witnessed a dreadful hell. At Muladi Bandar alone, the number killed would total more than three hundred, as was reported to me by the local Muslims including some officers. I visited Muladi village also, where I found skeletons of dead bodies at some places. I found dogs and vultures eating corpses on the river-side. I got the information there that after the whole-scale killing of all adult males, all the young girls were distributed among the ringleaders of the miscreants. At a place called Kaibartakhali under P.S. Rajapur, 63 persons were killed. Hindu houses within a stone's throw distance from the said thana office were looted, burnt and inmates killed. All Hindu shops of Babuganj Bazar were looted and then burnt and a large number of Hindus were killed. From detailed information received, the conservative estimate of casualties was placed at 2,500 killed in the District of Barisal alone. Total casualties of Dacca and East Bengal riot were estimated to be in the neighbourhood of 10,000 killed. The lamentation of women and children who had lost their all including near and dear ones melted my heart. I only asked myself "What was coming to Pakistan in the name of Islam."

27. I would like to reiterate in this connection my firm conviction that East Bengal Govt. is still following the well-planned policy of squeezing Hindus out of the Province. In my discussion with you on more than one occasion, I gave expression to this view of mine. I must say that this policy of driving out Hindus from Pakistan has succeeded completely in West Pakistan and is nearing completion in East Pakistan too. The appointment of D.N.Barari as a Minister and the East Bengal Government's unceremonious objection to my recommendation in this regard strictly conform to name of what they call an Islamic State. Pakistan has not given the Hindus entire satisfaction and a full sense of security. They now want to get rid of the Hindu intelligentsia so that the political, economic and social life of Pakistan may not in any way be influenced by them.

34. Now this being in brief the overall picture of Pakistan so far as the Hindus are concerned, I shall not be unjustified in stating that Hindus of Pakistan have to all intents and purposes been rendered "Stateless" in their own houses. They have no other fault than that they profess the Hindu religion. Declarations are being repeatedly made by Muslim League leaders that Pakistan is and shall be an Islamic State. Islam is being offered as the sovereign remedy for all earthly evils"

- J. N. Mandal, 8th October 1950

After this Mandal came back to India and started living in West Bengal. He died in the state of West Bengal as a Bengali Hindu migrant/refugee in the year 1968. The death of first law Minister of Pakistan as a refugee in India is a testimony to the failure of Pakistan (either in East or in West) in fulfilling its responsibilities towards its minorities.

In the case of Pakistan's failure to ensure the rights of its minorities, they become a responsibility of India as a part of an obligation of Partition and cannot be left to perish or convert.

"I ask, in all seriousness and with all humility: what was the main purpose of the Pact? [Nehru-Liaquat Pact] Was not the chief object of the pact that Hindus would be able to live in East Bengal with a sense of security and without fear; that there would be no exodus and those who had come away would gradually of their accord feel emboldened to go back to their home? Was it not the purpose of the Pact that there would be a sense of security in the minds of the minorities themselves so that they could decide on their own course of action without any fear or expectation or favour from any quarter? Judged from this standpoint the Pact has failed. The exodus continues; the intense sense of insecurity in the minds of the minority continues..."

(Dr. Syama Prasad Mookerjee, Discussion on the Bengal Situation, Parliament, 7 August, 1950)

Demography of Pakistan and Bangladesh

When India was partitioned in 1947 the share of Muslim population in the country was 9.8% which amounted to almost 3 crore Muslims in India. In 2019 the percentage of Muslim population in India is 14.2% as per 2011 census amounting to 17.22 cr. people. Whereas in Pakistan and Bangladesh Hindu and Sikh population is on the verge of extinction and the statistics are speaking for themselves about the great failure of Nehru-Liaquat Pact by Pakistan when it comes to rights of the minorities. The policies adopted by the then Congress Government during the partition have brought havoc in the life of these religious minorities fallen on the other side of the border and now they are at the verge of extinction. These persecuted religious minorities fallen on the side of 'Islamic Territory' have no option other than to take shelter in India as their umbilical cord is attached with us. Not only this during Partition we (Indian leadership) have also given them this assurance and commitment that if something untoward happens to you we will look after you, we will assimilate you. But what happened after partition is a complete denial and disregard to that 'National Commitment' and assurance given to these religious minorities during Partition.

Congress has just forgotten their promise in their haste to enjoy the fruit of ruling India. Still lingering plight of such migrated Hindu and Sikh refugees who are still not having Citizenship rights in India even after seven decades of Partition is a testimony of their apathy towards the native and cultural sons of India. Their apathy still continues in the backdrop of shallow and hollow commitment to 'Secularism', but eventually by this these opposition parties are also playing their dangerous religious card for getting vote bank assurance from the fundamentalist Islamic block and mentality, who were then responsible for Partition also. In their entire political calculation they seldom think about religious minorities persecuted in Pakistan and Bangladesh who fled to India and still living as refugee. Because for them rights of Hindus or Sikhs has no political relevance.

POPULATION BY RELIGION IN PAKISTAN

1941:*

	Muslim	Hindu	Sikhs	Christian
PAKISTAN	79.2	13.5	5.2	1.5

*Source---1941 Composition of Religious Communities (All figures are in percentage)

2015:*

Administrative Unit	Muslim	Christian	Hindu (Jati)	Qadiani (Ahmadi)	Scheduled Castes
Pakistan	96.28	1.59	1.60	0.22	0.25
Rural	96.49	1.10	1.80	0.18	0.34
Urban	95.84	2.59	1.16	0.29	0.06

*Source— Pakistan Bureau of Statistics, Government of Pakistan, Census, 2015

Bangladesh Population, 1951-2011

	Muslim	Hindu	Buddhist	Christian	Others
1951	76.9	22.0	0.7	0.3	0.1
1961	80.4	18.5	0.7	0.3	0.1
1974	85.4	13.5	0.6	0.3	0.1
1981	86.7	12.1	0.6	0.3	0.1
1991	88.3	10.5	0.6	0.3	0.1
2001	89.7	9.2	0.7	0.3	0.2
2011	90.4	8.5	0.6	0.3	0.1

(All figures are in percentage)

Provisions of the proposed Citizenship Amendment Bill

The proposed Citizenship Amendment bill immunizes the migrants from Pakistan, Bangladesh and Afghanistan- those who belong to the minority community from any kind of prosecution in case of expiration of their visa or overstay in India. The other clause reduces the period of naturalization required before applying for Indian Citizenship to five years from earlier eleven year in totality. The two most important provisions of the Bill have been reproduced here for the sake of kind perusal-

Clause 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 6. In the Third Schedule to the principal Act, in clause (d), the following proviso shall be inserted, namely:—

‘Provided that for the person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community in Afghanistan, Bangladesh or Pakistan, the aggregate period of residence or service of Government in India as required under this clause shall be read as “not less than five years” in place of “not less than eleven years”..

The situation in Assam and the threat of its Islamization

The position in Assam is being argued as one of the key opposition against this Bill. It is said that the Bill is against the spirit of Assam Accord. In order to understand that what really precipitates from the Accord and the vicious cycle of Illegal Muslim Infiltration from Bangladesh we need to understand the history behind Assam's inclusion in Indian Union and failure of Muslim League to make it a part of their Islamic republic during partition. On May 16, 1946 Cabinet Mission Plan arbitrarily announced to group British Indian states in A, B & C categories. Assam was kept in Group C with Bengal, creating a predominantly Muslim zone in Eastern India like the one proposed to be setup in western India.

Actually Muslim League always had a devilish eye on Assam, Jinnah himself declared in a meeting in Guwahati in 1940 that Assam was in his pocket. It was Gopinath Bardoloi who exposed these intentions of Muslim League and its leader Syed Saadullah, Prime Minister of Assam (Chief Minister) and toppled their Government. He rose to become the Chief Minister and rejected this scheme of Cabinet Mission Plan and fought to retain the indigenous character of Assam and prevented it from being a part of Islamic State of Pakistan with the support of Mahatma Gandhi.

In a report submitted to the President of India on 8th November, 1998, Lt. General SK Sinha, the then Governor of Assam, has after a detailed analysis, stated that a concerted effort was made to encourage the migration of Bengali Muslims into Assam for political reasons during Syed Saadullah's Muslim League Ministry. He quoted what the Viceroy, Lord Wavell wrote in the Viceroy's Journal, "The chief political problem is the desire of the Muslim Ministers to increase this immigration into the uncultivated Government lands under the slogan of Grow more Food but what they are really after, is Grow More Muslims".

Though the evil intentions of Muslim League failed to appropriate Assam but Muslim infiltration continued in the state. In pursuance of that concern Rohini Kumar Chaudhary, Constituent Assembly member from Assam, on behalf of all other prominent members from state, on 12th August, 1949 vehemently argued against granting citizenship to those who had infiltrated in Assam. He quoted newspaper reports in the Constituent Assembly as documents specifying Muslim League's confession of at least 3 lakh Muslim infiltrators in Assam. He urged the political establishment to take greater care of Assam because of rising infiltration. On the same day, Dr. B. R. Ambedkar assured the house that Parliament in its wisdom would look into the illegal migration in Assam and secure the rights of native Assamese. Later on, the Interim Parliament passed a law- The Immigrants (Expulsion from Assam) Act, 1950 to protect the cultural and social interests of Native Assamese under which the Central government could order the removal of any person who had come into Assam from outside India, and whose **"stay in Assam is detrimental to the interests of the general public of India or of any section thereof or of any Scheduled Tribe in Assam"**, but

it excluded those Hindu Refugees who came amidst riots from Bangladesh seeking refuge.

Failure to get Assam included in East Pakistan in 1947 remained a source of abiding resentment among Pakistanis. **Zulfiqar Ali Bhutto in his book, Myths of Independence** wrote, “It would be wrong to think that Kashmir is the only dispute that divides India and Pakistan, though undoubtedly the most significant. One at least is nearly as important as the Kashmir dispute, that of Assam and some districts of India adjacent to East Pakistan. To these Pakistan has very good claims”. These evil intentions were continuously in action and the Muslim Infiltration continued to change the demography of Assam so much so that in many parts of the state native Assamese were turned into a minority. Their public spaces, economic resources, employment, etc was all going into the hands of infiltrators.

The entire evil intention behind current attempts to takeover Assam is to fulfill that desire of Islamization of Assam at the behest of Pakistan. The entire objective is to develop another Kashmir like situation in the Eastern part of India as well. Infiltration is nothing but an external aggression and Assamese resistance is against Illegal Infiltration with ulterior motives and not against persecuted minorities seeking shelter. Common Assamese people realize this conspiracy of turning Assam into an Islamic state and are willing to prevent it from being so by accepting the Amendments in the Citizenship Bill and by accepting such Bengali Hindu refugees as Indian citizen. This method will eventually help them in preventing demographic reversal which has already been done in several districts of Assam.

The situation of Bengal and Bengali Hindus

Bengalis and Punjabis are two communities which suffered major loss during partition. The evil plan to include entire Bengal in East Pakistan which was foiled by Dr. Syama Prasad Mookerjee and the volcanic outburst of Direct Action made Bengal a victim of Muslim League's Islamist ideas. Those who migrated to take refuge in India, as being their only hope & civilizational homeland after facing persecution in Pakistan, have still been languishing in India devoid of any citizenship right because of the antipathy and betrayal of some political parties and their dangerous politics of appeasement. The case of Matua Community



which constitutes a large section of Namsudras in Bengal is really heart rendering.

A large section of this community migrated in West Bengal in 1960's to save their Hindu roots from the atrocities inflicted by Islamists in East Pakistan. Since then they have been politically exploited by every political force in West Bengal. The Communists who consider religious identity as opium were very often seen rushing to Thakurnagar to touch the feet of the Late Binapani Devi whom everyone including Mamta Banerji calls Boroma (Elder mother). Communists used the political might of the Matua community to remove Congress from power. Similarly Mamta Banerji too exploited the electoral number of Matua community to topple the Left Government in West Bengal. Unfortunately these political parties have been shamelessly indifferent towards

the problems of the community, brazenly denying the much needed Indian identity which they deserve as a right.

Trinamool backed out from its promise made to Matua Community

In 2009 General Elections and 2011 Assembly Elections, Mamta Banerji begged for political support from the Matua community and was able to sustain her performance because this community firmly stood behind her as they were ditched by the Left. In return Mamta promised to take care of the community's interest in a holistic manner, one of them was obviously a long pending demand of the community to grant them Citizenship. It is pertinent to mention that TMC was part of UPA till 2013, but it never bothered to raise the interest of the Community at the Centre. Now when Bharatiya Janata Party paved ways for realizing the dream of Citizenship to Bengali Hindus including Matua and several other prosecuted communities, it was none other than Mamta Banerji and her party, TMC, Who left no stone unturned to ensure that the Bill gets lapsed. On one side she opposed National Register of Citizens (NRC) in Assam and argued that Bengalis would be compelled to leave India, and hence she cannot support that. But when BJP made it sure that no Bengali Hindu will have to leave India by passing Citizenship Amendment in Lok Sabha, keeping at stake its government in Assam, it was Mamata who compelled the Bill to get lapsed in Rajya Sabha. It is beyond one's understanding what political considerations made her to do this, but one thing is for sure that her opposition of NRC or her concerns about Citizenship Bill are not moved by genuine concerns of Hindu Bengali refugees, **but who she cares is the interests of Illegal Bangladeshi Muslim Infiltrators who want to overtake the entire Bengal and repeat 1947.**

She opposed the bill with a single point agenda of appeasing the Islamists in Bengal who want to turn it into another Pakistan with every passing day. She even did not care about the letter written by 102 year old matriarch of the community, Binapani Devi, who urged Mamata that,

“Let me remind you that citizenship and rehabilitation of the refugees have long been a standing demand of the Matua community. You had promised me that you would look after the interest of the Matuas. Citizenship has been our long pending demand. Now that there is an opportunity, I request you to instruct your party [Trinamool Congress] to support the Citizenship (Amendment) Bill in the Rajya Sabha or else the Matua community will not support you anymore”.

It is unfortunate that West Bengal is still being made a laboratory for radical extremists who want to change the demography of the state. All political parties other than ruling TMC, like Congress and CPI (M) too have changed their stands to pamper and appease the dominant Jehadi Vote-bank in Bengal. BJP is the only force which is standing firmly behind the genuine concerns of Bengali Hindus and is ready to sacrifice anything for them.

Historical Position of Indian Political Parties on this issue



Changing Stand of Indian Political Parties on the Bill:

The vulnerability of minorities across the border on both sides is known to all the political parties across the spectrum. Indian National Congress, Trinmool Congress (TMC) has projected themselves as one of the most vociferous opponents of the Bill. Indian National Congress and its top leadership, since partition, have been on record to assure the Hindu/Sikh minorities in the neighboring countries that they are under an obligation to cater to the migrants as an unfinished agenda of the partition. Top political leaders and Members of Parliament from Left Parties have very often raised the questions of atrocities and accommodation of these minorities even in the Parliament. Unfortunately when this dream of opening the doors of India for her cultural children was about to be realized, it is sheer hypocrisy on the part of these political parties that are blatantly playing the card of vote-bank politics and shamelessly backing out from an obligation which is in the form of National Assurance given to these persecuted minorities at the time of partition.

Promises and Assurances made by Congress to Parted Minorities

1. Promise of Mahatma Gandhi:

Gandhi Ji promised in a prayer meeting in Delhi on 16th July 1947, ‘There is the problem of those who fear, imaginary or real, will have to leave their own homes in Pakistan. If hindrances are created in their daily work or movement or if they are treated as foreigner in their own land, then they will not be able to stay there. In that case the duty of the adjoining province on this side of the border will be to accept them with both arms and extended to them all legitimate opportunities. They should be made to feel that they have not come to an alien land.’

Gandhi Ji delivered a speech at prayer meeting in New Delhi on July 21, 1947:

A friend from Pakistan writes: “You in India are talking about celebrating August 15. Have you ever considered how we, the Hindus in Pakistan are going to celebrate it? Our hearts are full of forebodings for that day. Will you say something about this? For us the day will be one for confronting troubles, not at all for celebration. The Muslims here have already begun to frighten us. We do not know what the Muslims in India think. Will they also not be frightened? We are even scared that attempts may be made to convert us on a large scale. You will say that we must ourselves safeguard our faith. This may be possible for an ascetic. It is not so for a householder.”

Mr. Jinnah is now going to be the Governor-General of Pakistan. He has said that non-Muslims will be treated exactly as the Muslims. My advice is that we should trust him and hope that Non-Muslims in Pakistan will not be ill-treated. And also the Muslims in India will not be ill-treated. My feeling is that now that there are two States, India can ask for guarantees from Pakistan. I nevertheless feel that August 15 is not day for celebration whilst the minorities contemplate the day with a heavy heart. It will be a day for prayer and introspection. Only, if the two countries are to be true to them they should start being friends right now. Either all should together celebrate August 15 as brothers or it should not be celebrated at all. The day for rejoicing over freedom will be when we feel sincere friendship for each other. But this is my own individual opinion and nobody seems to share it. The same friend from Pakistan then asks me: ‘If all the Hindus of Pakistan or a very large number of them come away from Pakistan, will India give them shelter?’ I think that such people should certainly be given shelter. However, if the well-to-do among them want to live in their old style, that will be difficult. In any case, they should certainly be given a place to live and they should be paid for their work. But I shall continue to hope that no non-Muslim will be forced to flee Pakistan out of fear and no Indian Muslim will flee his motherland.

The correspondent further asks: “What will happen to houses and landed property left behind in Pakistan?” I have already said that the Government of Pakistan should pay the market price of the land and houses. The practice in such matters is that the other Government also has a say. In this case it will be the Government of

India. But why should I assume that the matter will go so far? It will be the duty of the Government of Pakistan to pay the price of such land and houses to the owners.

Gandhi Ji wrote a letter to Sri Krishna Das on 21st July, 1947-

“I have your letter. Jinnah Saheb has himself said that Non-Muslims will have the same place in Pakistan as the Muslims. But it remains to be seen whether or not such a policy is implemented. The poor Hindus who will migrate owing to oppression will certainly be accommodated in India. But this much is certain that they will have to labour for their bread.”

2. Assurance of Pandit Jawaharlal Nehru, in the Parliament on 5th November, 1950:

“The Hon. Member referred to the question of citizenship. There is no doubt, of course, that those displaced persons who have come to settle in India are bound to have the citizenship. If the law is inadequate in this respect, the law should be changed.

3. Statement of Sri Guljarilal Nanda, Union Home Minister on 5th March, 1964 in the Rajya Sabha-

“Mr. Chairman, the House has discussed at length the motion moved by Shri Bhupesh Gupta.These are internal affairs of the people of Pakistan. It is for them to choose their way of life and the structure of their government, and so far as we are concerned they have our good wishes. But, Sir, what does touch us deeply is the repercussions of what happens there, the repercussions on our affairs. If some high dignitary or if some important leaders say something, maybe just a few words, the consequences can travel hundreds and hundreds of miles,There are commitments, and whether they carry out those commitments and implement them or not affects us, and therefore it becomes relevant for our discussion here also; and it is very natural, Sir, that since the people of this country are affected deeply by what occurs there, the minds of Members of this House, of this Parliament, be exercised. Hence the contents of the various speeches made had a great deal of bearing on the events which flowed from certain things which occurred in Pakistan.

Sir, those minorities are their concern, they are their responsibility, they are totally, completely and entirely responsible for them, and as long as they carry out that responsibility and do their part, well, no question arises here, we need not talk about those people at all. But when that security fails, when the minorities in that country, for whom we have in the earlier years entered into some arrangements with that country, suffer, if those arrangements break down and the minorities there are subjected to atrocities and brutal treatment, the brunt of the consequences has to be borne by us ultimately. If it is only a question of suffering, well, their anguish and their pain may be communicated to us; we may helplessly look on because we cannot extend a helping hand to them. But something more happens to them, that is, those people find that it is not at all possible for them to stay on there; that is, their honour is not safe, their lives are not safe. Then, Sir, the situation becomes somewhat different. Then those people, because they are uprooted, because their houses had been set on fire, because there is arson and looting, find that it is impossible for them to stay on there, and then they struggle to escape

to India, and the consequences flow for us. What can we do in order to help them and, secondly, what do we do after they come? Here is a question not of a few people but of large segments of the minority community. When they perforce have to come away, flee from that area, what happens? Of course, we would very much like to see that while they come away, they are not subjected to harassment, but there also we are helpless. As the House knows, the other day I believe the Prime Minister made a statement here about thousands of people coming into the Garo Hills- tribal people- and while they were fleeing they were fired upon—machine gunned; women and children suffered from bullets. We could not help them there. This is not something which is a matter of speculation or conjecture; this has been highlighted in the world all over, in the Press all over, by people who are not connected with us at all but by independent foreign sources of information. That is what we have before us, and this communal frenzy has now extended. **It is not Hindus only but it is Christians also.** But that is what happens, Sir, when people lose their balance, and when this kind of communal hatred seeps into the heart, then there is no restraint, no inhibition, and they take revenge on other people and subject them to miseries and hardships. It does not end there. It goes further, it goes deeper, and today *it is against one community and tomorrow it is against another community. It embraces everybody, and then it is against one's own community, sections and sub-sections.*

The world knows about it more and better now because the Christian missionaries have brought into prominence the fact that 35,000 Christians have been affected. Maybe, they might not have given so much heed and attention to this situation if it were not so. But here is the proof; here are the people, the Christian missionaries, who go and render succor to them, and they know what has happened to the Christians and they also know what has happened to others. And their number is 75,000 or more. How many lives were lost during the communal disturbances, there is no precise figure. We cannot ascertain that. Pakistan gives a snail figure, ridiculously small. It is through other sources, from impartial sources, that we know that it is many times that figure but even that is incomplete. But there is at least some information of the outcome or consequences or the result of this which, at any rate, cannot be hidden. It is the people who come alive into India, and their number is some indication of the stress under which people have been living and functioning and suffering there.”

Sri Nanda continued, “A hon. Member said that we should have an open door and let everybody come in, almost invite them to come in. And there was another view expressed that this would create for us intractable problems; large numbers being injected into the population here when we have got difficulties unemployment and so on; and where the cultivable land is scarce—would naturally create further complications upsetting the economy of this country. This has to be realised. Now, therefore, what is the conclusion? If it is said that, therefore we should not let them in, that is not a stand which we can maintain. **If there was a way of preventing their exodus, their influx, into this country we should try to find out. But if there is no way, then the door has to be kept open for these people.** And there are the difficulties that it entails. The hardships will be for

them and for us. Those who come away from their homes and hearths leaving all that they had, a settled way of life, have to face unsettled conditions of life here in camps not because there is lack of will to do the best for them but because there is not that capacity to adjust ourselves immediately to these things reclaiming the lands and putting them in normal occupations. That has to be understood and realised. Therefore, there will be trouble and hardship for them and we will have to do a great deal, make a great deal of effort, in order to see that they are accommodated, that relief is provided to them and that arrangements are made for their rehabilitation. **I may at this stage- regarding what not only the hon. member but others also said- say that this human problem must be thought of as a non-party issue altogether.** If, after having striven to do our best, something is not to the satisfaction of everybody, it should not be made a party issue. That would make things more complicated and difficult; it will not help anybody at all. But, as I said, we are trying to do our best. On the one side, we cannot shut them out we have to allow them to come in. But we also realise that the warning has to be heeded- the warning given by some of the hon. Members here that when so many people come, when you liberalise migration to that extent, then you have to face a difficult situation inside the country. And I am also reminded of the fact that while these people were being pushed out, squeezed out, almost hunted out, it was also being said by some persons in Pakistan- by some of their leaders - responsible people, that India was tempting the minorities to come into their country.

How can that be? To say such a thing is heartless is cruel, on the top of all the injury that is being done. We have got this dilemma before us. We cannot say 'No', nor can we take the stand that it does not matter; let them come even if it would be possible for them simply to stay on. The question will arise only when it becomes impossible for them even to stay on. Our effort now always has to be to see that they are able to remain there in safety and honour, and, therefore, everything possible has to be done towards that end. And several suggestions have been made in that regard. And we have to consider what are the various ways open to us for the purpose of making the position of the minorities in Pakistan more secure- less uncertain. Again and again, from the speeches there was one suggestion which emerged, and that was cultivating world opinion. That certainly we should do, we are trying to do, and the fact that so many Christians were affected has lent an edge to the grimness of the situation in Pakistan; it is now being felt more than otherwise it would have been. There are two other things. One is that we become strong; it is the strength of the country which will be a solution to that larger international problem of which this is an offshoot, and it will be again that same strength which is going to exercise a healthy influence on the minds of the other people who are concerned on the other side. We have to do all that and we should all unite for that purpose. And the other thing, the second thing is that so far as we are concerned, our behavior, our policies, our actions should be above reproach altogether.

I am very glad that this attitude has received strong expression in this House and also in the other House. Whatever Pakistan does, in spite of the total lack of justification for their conduct, in spite of the fact that

their official class also, their leaders, their Press- they all contribute towards incitement and therefore they are responsible for the consequences, in spite of the fact that large numbers of their people- the minorities in Pakistan- suffer indescribable torture, misery and all that- yet, that is not going to be at all, not in the least, not even in the remotest way, any kind of excuse for anything being done to injure- as the hon. Member Shri Bhupesh Gupta put it- a single hair of the Muslims here, and I think that everybody will echo that sentiment, that feeling. Therefore, we are determined about it, and with that determination if we carry it out, with purpose, with vigour, with a sense of mission, we will be also able to assist; the minorities in Pakistan to get back their sense of security, not immediately but, at least some time later. We may have to live with this problem for some time, but I have faith that our conduct in this matter is going to help them in course of time. Therefore, we have got to take a very strong stand.

The above statement of Sri Nanda clearly states that the (then) Congress leadership was not in favour of shutting the doors of the border for the Hindu and other religious minority refugees. He promised in the Rajya Sabha 'they are not subjected to harassment.' The sole question remains – where has the promise gone now? What makes Congress backtrack?

4. Tarun Gogoi submitted a Memorandum demanding Citizenship for Hindus Migrants to Dr. Manmohan Singh:

Chief Minister Tarun Gogoi had submitted a memorandum to the then Prime Minister Dr Manmohan Singh on April 20, 2012, pleading that Indian citizens who had to flee due to discrimination and religious persecution at the time of partition, should not be treated as foreigners. In an executive meeting of Assam Pradesh Congress committee (APCC), APCC President Anjan Dutta said,

“We will take up the unresolved issue of citizenship for the Bengali Hindus, Buddhists, Christians and people of other minority communities who came to Assam after being subjected to inhuman torture post the partition of India. He added that these people were citizens of undivided India and they were forced to flee their own homes for saving their lives after being subjected to atrocities on the grounds of religion. The APCC urges the Centre to grant citizenship to all such people, taking into consideration historical reality and the humanitarian aspect.”

Assurances and Pro-Amendment demands by the Communists Party of India



1. Speech of Late Sri Bhupesh Gupta, CPI MP:

Sri Bhupesh Gupta, CPI MP brought a motion on 4th March 1964 in the Rajya Sabha- “That the situation arises out of the communal disturbances in East Pakistan and the consequences flowing there from and the policies of the Government of India in relation thereto, be taken into consideration.”

On that day, Gupta also said, at the same time, Sir, we cannot keep quiet because problems are there to be solved. We are also committed to the minorities in Pakistan. We have signed the Nehru- Liaquat Pact and other agreements. We cannot escape our responsibility in regard to this matter, Sir. But then we have to face that responsibility within the four corners of a peaceful policy, a policy that is honourable, a policy that is decent and which answers the needs of human dignity as also attracts the attention of the world. Such should be our policy. I think we should agitate the international community over this matter, because this issue has international implications or implications which extend beyond the State. And we have this institution for agitating the world public opinion, the opinion of international community. I think we require there a very active and effective diplomacy in regard to this matter. It seems, Sir, since we signed the Nehru- Liaquat Pact, we went into some kind of sleep, became a little complacent, perhaps because there were no major riots. But it was a mistake. We should have always taken up the cause of the minorities. Sir, especially when the agreement, which has some kind of international force, the Nehru-Liaquat Pact, was being violated by Pakistan, it was our duty to have informed the world public opinion through the diplomatic levels and also otherwise. I regret to say that we did not do so. Maybe we had been mistaken out of good intentions or some miscalculations, being on the good side of things. But life has shown that we have been complacent in this matter and we should have functioned a little differently in this matter.’

Sri Gupta also said in the Rajya Sabha on 27th July, 1970:

‘I would once again appeal to Members on both sides of the House. Let us at least not try to capitalise on this problem, the refugee problem. I would appeal to my friend here— with his great erudition and wisdom, he will bring a human approach to bear upon this subject. To my friend Mr. Sundar Singh Bhandari also I would appeal— politics let us keep away for a while. After all, we are human beings living in this part of the country. Here they are coming. Let us forget our differences on purely party lines for the time being. Let us approach this problem in a human manner as human beings, as man to man, as brother to brother, as sister to sister. **After all, those who are crossing into the frontier, they are not coming with political motives, they are not coming with the aim of supporting this or that party or of opposing this party or that party, they are coming here because of certain fears and apprehensions there, they are coming here in quest of life, in order to get settlement and rehabilitation. Let us treat them in a spirit of brother and sister taking brother and sister. Well, that is how, with a common national and human approach, we can correctly tackle and solve this problem.**’

One of most distinguished Parliamentarian of our country Gupta said in the same tone in the Rajya Sabha on 3rd December. 1974-

‘Sir, 27 years have passed since the country was partitioned. If you recall the speeches of the leaders of the Congress Party at that time, including in particular Jawaharlal Nehru, it will be known how at that time they gave clear assurance in their speeches, even before the country was partitioned, that they would fully meet the aftermath of partition and that they will do everything in their power as the Government to resettle and rehabilitate the displaced persons from that part of Bengal which as a result of partition went to Pakistan. It was a solemn assurance which was repeated not only outside or in press statements but also otherwise in many official statements of the Government of India. **And if I remember, that matter had also come up in the Provisional Parliament at that time and the same assurances were repeated. But unfortunately today after 27 years whereas the people of erstwhile East Pakistan have solved one of the major problems, viz., the problem of asserting their own sovereign right and their right to their nation, the national right, we in India find that after so many years and so much of talk, the problem of East Bengal refugees as it is all remains largely unsolved.** Sir, it is necessary for the Government to give an explanation to the nation why the assurances had been broken and how they came to be broken and who were responsible for it. Parliament must be seized of the matter, even at this late hour, for the sake of solving not only the problem of untold human suffering, privation and destitution but also for the sake of national economy, particularly the economy of that part of India where these people from erstwhile East Pakistan, as refugees, have taken shelter without being given a shelter in a proper way.’

The ‘very much secular’ leader Gupta also recognized the problems of minorities in Pakistan. How our Communists leaders have forgotten these historical facts? Now the question arises, what are the promises? Who

have given the promises and to whom?

2. Resolution adopted by CPI at Amritsar in 1958:

“The extraordinary Congress of the Communist Party of India views with grave concern the wanton repressive measures which the Government of West Bengal has recently launched against East Bengal refugees to suppress their legitimate demands for rehabilitation and terrorize them into submission to the discredited anti people rehabilitation policy of the government . This action in itself is the greatest condemnation of this policy. Overwhelming majority of the four million displaced persons from East Bengal has not been at all rehabilitated and the unaccountable agony and suffering of these unfortunate men, women and children continue to grow every day. Their plight cannot but evoke the deepest sympathies of all and their problem is one that is eminently human as well as national.

Yet these refugees are today subjected to frequent tear gassing and lathi- charge, mass arrests and imprisonment at the hands of the government. The leaders and workers of their organizations as well as of the Communists and other Left parties who have taken up their just cause are being indiscriminately arrested. Many of them have already been detained under the Preventive Detention Act. The extraordinary Congress condemns this repression and appeals to the whole nation to raise its powerful voice in protest.

Expressing its full sympathy for the just cause of the refugees, the Congress calls upon the government to change its present attitude and policy towards the displaced persons from East Bengal and accept their just demands. It demands immediate release of all those who have been arrested in connection with the movement of the refugees.

The extraordinary Congress urges upon the government to convene a conference of the representatives of the refugees and the leaders of all political parties to discuss urgent question of rehabilitation with a view to working out a correct rehabilitation policy which above all must be acceptable to the refugees themselves and inspire confidence among them.”

Is the same sympathy perceived these days by the communists? If not, then why? What is the difference between the refugees of sixties and these days? Are not the present refugees displaced persons? It means a person who is forced to his/her home country because of war or persecution; a refugee.

3. Statement of CPI (M) leader (Bengal) Sri Gautam Deb:

“The Indira- Mujib treaty in 1971 was considered the cut-off date on the grounds that there will be no religious discrimination in the two countries. But it didn't work out after Mujibur Rahman's murder. There are instances that the minorities (Hindus) in Bangladesh are facing religious persecution. The government has to provide them shelter.” The Hindu reported dated December 28, 2010 under the title of ‘When rivals shared a platform’ Mr. Deb termed the congregation a “historic event” and said it should serve a lesson to all political parties that narrow political divide should not come in the way of serving people.

“Today we are in the government and tomorrow someone else will be. So it is not desirable to politicise every issue. We should all work towards the development of the State, irrespective of political colours,” Mr. Deb said. Manas Bhuniya, president of the WBPC, and Tathagata Roy, senior State BJP leader, concurred with him. The Matua community mainly comprises people from the Other Backward Classes who had sought refuge in India following the Partition and during the Bangladesh Liberation war in 1971. The demand to grant citizenship to all the refugees was raised at the rally and was supported by all the parties present. Has Gautam Deb, member of the Central Committee of CPM and a Secretariat member of the party’s West Bengal State Committee, violated the so-called secular principle? By opposing the Citizenship Bill 2019, Congress and Communist leaders made themselves answerable to the nation.

4. Demand of CPM MPs in the Parliament:

Sri Basudev Acharia on 25 April, 2012 in the Lok Sabha-

Mr. Chairman, Sir, I am raising an issue pertaining to lacs of people who came as refugees to our country from erstwhile East Pakistan and Bangladesh because of their persecution as minorities.

These refugees have settled and are staying in different parts of the country and in different States like Uttarakhand, Uttar Pradesh, Madhya Pradesh, Chhattisgarh and Orissa. They are staying in these States for years together. In spite of staying here for many years, these refugees have not been granted citizenship in our country.

Sir, an assurance was given by no less a person than the Prime Minister himself that the granting of citizenship of these refugees would be considered favourably but the Central Government, till today, have not considered granting citizenship to lacs of Bengali refugees.

Sir, when the Citizenship Act was brought before this House in 2003, an amendment was moved and that amendment was supported by all political parties. In spite of the support from the political spectrum of this House, the amendment was not accepted by the Government to grant citizenship to these hapless people. As a result of this, there are Namashudras living in Uttar Pradesh, Chhattisgarh and Uttarakhand. They are recognized as Scheduled Caste in the State of West Bengal but they are not recognized as Scheduled Caste in Uttarakhand, Uttar Pradesh and Chhattisgarh. I have already introduced a Private Member’s Bill in this regard... (Interruptions)

1. Chairman: That is another issue. Please speak about the refugees!

Basudev continued . . . Sir; it is the same issue pertaining to the refugees. They are belonging to the Namashudras who are recognized as Scheduled Castes in the State of West Bengal. Although the Government of Uttar Pradesh recommended them for inclusion under Scheduled Caste that has not been considered. The problem has been accentuated when these people are being excluded by other identification. Now, uncertainty is prevailing in the country.

I demand that Citizenship Act should be suitably amended. Sub-Section 1(b) of Clause 2 of the Act should be amended accordingly to recognize and grant citizenship to the Bengali refugees who migrated from erstwhile

Pakistan even before Indira- Mujib Agreement. They have been staying in the country for years together without having a right of citizenship. This uncertainty should be ended. The persecution of lacs of Bengali refugees should be ended.

I demand that Citizenship Act should be amended to grant citizenship to these Bengali refugees.

Chairman: Shri P.L. Punia and Shri Khagen Das are allowed to associate with the issue raised by Shri B. Acharya.

I here place the demand of two CPM MPs who also favoured the citizenship right of Bengali refugees.

Sri Shyamal Chakraborty, MP & Sri Prasanta Chatterjee, MP (RS) of CPI (M) raised the issue through special mention on 27th April, 2012 as follows :-

Considering the fact when the Citizenship (Amendment) Bill, 2003 was moved in the Rajya Sabha on 18th December, 2003 by the then Home Minister Shri L. K. Advani, the then Leader of the opposition Dr. Manmohan Singh appealed for a special provision in the proposed Act, so that the refugees who have come from Bangladesh may be granted citizenship of India., and the hon'ble Home Minister agreed to that. But unfortunately there has been no positive amendment of the clause.

Therefore, my appeal to the hon'ble Prime Minister of India to convene an all party meeting to arrive at a consensus to pave the way for making a special clause in the Citizenship Act, 1955 in favour of those refugees so that they may be granted citizenship and proper rehabilitation

Shri Prasanta Chatterjee (West Bengal): Mr. Vice Chairman, Sir, I associate myself with the Special Mention made by my colleague.”

While opposing the IMDT Bill Sukomal Sen, CPM leader described the plight of refugees, came from Bangladesh, on 30 March, 1988 in the Rajya Sabha-Sir, at the very outset, I very strongly oppose the manner by which the Illegal Migrant (Determination by Tribunals) Amendment Bill, 1988 has been handled by the Government side. Sir, it is a very important Bill and the Government wants to play with the fate of lacs of people who are hapless victims of the partition of the country. Now you are going to pass this Bill in one hour and after bargaining you have said hours..... Anyway, I rise to strongly oppose every sentence of this Bill. I know that I may have differences with many of our colleagues in Opposition particularly with my friends in AGP. I have no personal quarrel, no personal difference on the ground of principle.

Sir, when this Assam Accord was signed on 15 August, 1985, from our party, we were very much critical about this Accord and we expressed our apprehensions about the ultimate consequences of this Accord. Now, experiences of these 21 years have strongly vindicated our stand. If we go back to the days of partition, it is not possible to go back to the days of partition because time is so short, **but I want to remind this House that when the country was partitioned, at that time there were some national commitments to the people who suffered because of this partition. Those commitments were made by no less persons like Mahatma Gandhi,**

Sri Jawarharlal Nehru and Sardar Vallabhbhai Patel. They guaranteed the security and safety of the people who were the victims of the partition that if you are forced to come over to this side of the subcontinent, you will be protected, you will be given shelter, you will be given food, and you will be given citizenship. All these assurances were there right from Mahatma Gandhi to Jawarharlal Nehru and Sardar Vallabhbhai Patel.

Then, there was 1956 Migration Citizenship Act of Assam; in 1983 Migration Bill was there. Then came the Assam Accord. Now, we are bringing this amendment Bill on the illegal migrants. Then, you say that this is in accordance with clause 5. 9 of the Assam accord.

Sir, simply I would say that when the country was partitioned what Mahatma Gandhi said. I would like to quote simply a few sentences. He said: “My friends ask whether those who being mortally afraid or otherwise leave Pakistan will get shelter in the Indian Union. My opinion is emphatic on this point. Such refugees should get proper shelter in the Union and vice versa.”

I can go on but I stop here.

Now, what Sri Jawarharlal Nehru said? He said and I quote: “We think also of our brothers and sisters who have been cut off by political boundaries and who unhappily cannot share at present in the freedom that has come. They are of us and will remain of us whatever may happen, and we shall be sharers in their good and ill for tune alike.”

Then, Sir, Sardar Vallabhbhai Patel said and I quote: “But let not our brethren across the border feel that they are neglected or forgotten. Their welfare will claim our vigilance and we shall follow with abiding interest their future...” Sir, all these messages were there. These were commitments made by our great national leaders and I deem them as national commitments. I do not know for this present generation of Congress men, who claim to inherit the tradition of Congress, whether they will stand by these commitments, whether they have any iota of honour for these commitments made by Mahatama Gandhi, Jawarharlal Nehru and Sardar Vallabhbhai Patel. I do not know and I am afraid that they do not stand by these commitments because, Sir, not only those leaders said it in 1950, but it was said in the Immigrants (Expulsion from Assam) Act, 1950 in clause 24. However, so far as ‘the immigrants from Pakistan were concerned, a proviso was incorporated in Section 2 of the said Act in the following terms:

“Provided that nothing in this section shall apply to any person who on account of civil disturbances or the fear of disturbances in any area now forming part of Pakistan has been displaced Or has left his place or residence in such area and who has been subsequently residing in Assam.” It means due to communal violence or the civil disturbance, if they are forced to leave their homes, this section of illegal immigrants (Expulsion from Assam) Act, 1950 will not be applicable to them. Sir, these were the follow-up of the commitments that were made in 1947-48 by our national leaders. The 1950 Act contains that commitment. It stands by that commitment. But, Sir, when in 1983, when this Assam movement started, we got this Bill passed, the Illegal Immigrants Act. It was

passed in 1983 under the pressure of the movement that went on in Assam. (Interruptions). In that background only, you brought out this Bill and got it passed and it was a gross departure from the 1950 Act. That Act was a Central Act. It was a gross departure from that Act to this Act and that is why, I am saying, it was done in the background of movement that was going on in Assam at that time.

Last but not the least; the Citizenship Amendment- Bill 2016 is presented in view of granting of citizenship rights to these persons. Strangely, we are yet to hear a single word from the ex-Prime Minister Dr. Manmohan Singh in this context. India has had always reposed full faith in Dharma and truth and this spiritual endurance has had always circumvented anything and everything treacherous beneath it. It is high time for the current leadership under Narendra Modi to take acute, stringent steps and settle the age- troubling problem which is nothing but a blot on our existence, sustenance and evolution.

5. Letter of Sri Prakash Karat on Bengali refugees:

Sri Prakash Karat, CPI (M) General Secretary, had written a letter to Prime Minister Sri Manmohan Singh on May 22, 2012 regarding the citizenship problems of the Bengali refugees. Full text of the letter has been enclosed for minute inspection.

“This is to draw your attention to the citizenship problems of the large number of refugees from erstwhile East Bengal and then even after the formation of Bangladesh who had to flee their country in particular historical circumstances over which they had no control. Their situation is different from those who have come to India due to economic reasons. While we advocate a humane approach to all sections, on the specific issue of citizenship we share the opinion you had strongly advocated as leader of the opposition when it was debated in parliament in 2003.

You will kindly recall that under the NDA government the Citizenship Amendment Bill, 2003 was placed which did not differentiate between the different sections that would be affected by the Bill. At that time you had stated “... **with regard to the treatment of refugees after the partition of our country, the minorities in countries like Bangladesh, have faced persecution, and it is our moral obligation, that if circumstances force people, these unfortunate people, to seek refuge in our country, approach to granting citizenship to these unfortunate persons should be more liberal. I sincerely hope that the Hon’ble Deputy Prime Minister bears this in mind in charting out the future course of action.**”

In response to your appeal, the then Deputy Prime Minister L K Advani had said “what the leader of the opposition has said, I am fully in agreement with the views expressed...” This should have been followed with a suitable amendment to Clause 2(i) (b) of the Citizenship Amendment Act 2003 in relation to the minority community refugees from Bangladesh. However, in spite of the consensus on the floor of the House, this was not done. For nearly a decade the matter has been pending. In the meanwhile, the insecurity felt by the refugees is heightened since in the present drive of Aadhar they are excluded and considered illegal migrants facing

the constant threat of deportation. Lakhs of families are affected, the majority of them from Scheduled Caste communities like Namashudra, Pondra Khatriya, Majhi etc.

I request you to consider the issue and take the steps which you consider are necessary, including the amendment to the law referred to, so as to bring relief to these unfortunate families, living across India.”

6. Adopted at the 20th Congress of the CPI (M), Kozhikode, April 4- 9, 2012: For Rights of Bengali Refugees

This Party Congress calls upon the Central Government to honour the assurance given by the Prime Minister to sympathetically consider the legitimate demand of the large numbers of Bengali refugees to recognize them as citizens of India. They had fled their country erstwhile East Pakistan and then Bangladesh. A large number of these refugees belong to the Scheduled Castes, mainly Namashudra communities and are living in different parts of the country.

This Party Congress recognizes that the heightened insecurity of these communities is because of their exclusion in the current Aadhar drive of citizen identification which makes them even more vulnerable.

At the time of the Parliament discussion on the Citizenship Amendment Act, 2003, all political parties from across the spectrum had supported an amendment to protect these citizens who are victims of historical circumstances. Yet even after so many years the law considers them illegal migrants. There are cases where they have been treated like criminals.

This Party Congress demands a suitable amendment in Clause 2 (i) (b) of the said Citizenship Act in relation to the Bangladesh minority community refugees. This must be done while protecting the Assam accord which is relevant to the specific situation in Assam. It demands that the Central Government bring such an amendment in the forthcoming budget session of Parliament. It assures these communities the support of the CPI (M) in their struggle for their genuine demands.

Why has CPM changed its stand-point? If CPM favours the cut off date i.e. 25th March, 1971, how citizenship can be granted to the Hindu refugees? This cut off date for detection and deportation of illegal Bangladeshis is applicable not only in Assam, but also throughout the rest of India. Anyone can go through the judgements of Patna (Patna High Court Malik Astur Ali vs State on 1 March, 2012 , Civil Writ Jurisdiction Case No.3218 of 1990) , Gujarat (Gujarat High Court Rajesh vs State on 22 April, 2011 Special Civil Application No. 497 of 2010) and Meghalaya High Courts (Shri Nityananda Malik And Ors vs The State Of Meghalaya And Ors on 15 May, 2014 ,WP(C) No. 235 of 2010) then it will be cleared that the said cut off date is applicable in all states.

7. Speech of one senior CPM leader Jitendra Chaudhary:

‘The Bengali Hindus have not migrated to Tripura with pleasure. They were the victims of the instrument of partition. They have been compelled to migrate.’— It is a portion of speech of CPM MP (Tripura East) Jitendra Chaudhary. He said these while discussing on the Sixth Schedule to the Constitution (Amendment) Bill, 2015,—

a private member bill moved by Meghalaya MP Vincent Pala on 24th March, 2017 in Lok Sabha. The Marxist MP Jitendra also said in the lower house 'As the fall out of the partition of India – Hindustan and Pakistan – thousands of Hindu Bengali speaking people had been compelled by their destiny to migrate from East Pakistan.' Should we say Sri Chaudhary has lost his 'communist-secular' identity?

8. Views of renowned Marxist thinker Dr. Hiren Gohain:

The Partition also brought in its wake the problem of the refugees. Vast numbers of Bengali Hindu refugees were either driven away forcibly or compelled to leave by humiliation and terror. The majority of them entered Bengal, but many lacs of them also came to Assam, where the climate and environment were not dissimilar. Except the opposition parties no one seemed to be particularly concerned about them. The Government of India neglected them unlike the refugees from Western Pakistan. Neither was there any campaign to create a suitable climate of opinion in favour of giving them shelter in states like Assam. Congress leaders in Assam chose the cowardly alternative of smuggling them in, so that while the Central Government was appeased the local Assamese were not antagonized. Hence there was no real and serious consideration of the policy of settling the refugees. Should they be allowed to retain their identity and thus add to the vicious nationality problems of the state? Or should they be persuaded to merge themselves into the mainstream community? In the towns and more advanced villages anti-Bengali disturbance which affected the Bengali trader and shop- keeper and petty official became rather common. On the other hand, certain refugee elements played into the hands of the remnants of Bengali chauvinism of the colonial period and created a pressure group for protecting the national rights of the Bengalis.

I quote here a few lines from "You Do Not Belong Here: Partition Diaspora in the Brahmaputra Valley" by Sm. Moushumi Dutta Pathak- Hiren Gohain with abiding respect to this group of people , as a part of commitment to the principle of humanitarian laws and social justice, says that 'as for people who swear by the Constitution of India, let us not forget that as legatees of the freedom struggle we are duty-bound to protect the lives and interests of the displaced from East Pakistan....People with a shred of decency left in them must indeed be deeply concerned about the fate of those people'.

What Gohain had said in eighties, it is to be taken seriously by the Communists. It is unfortunate that Gohain is also campaigning against the Citizenship bill now.

9. A Communist Blunder:

The Communist Party simply refused to accept the existence of the hapless victims of communal hatred. The main blunder of the Communist Party of India,, following the partition, was the decision that there would be one Party for both Dominions. Naturally the Party directed its Pakistani comrades not to migrate to India. It warned that if any comrade violated the party mandate he would be expelled from the Party. It was also decided to send veteran party members from India to set up a sound organizational apparatus in Pakistan. Accordingly,

Sajjad Zaheer was sent to West Pakistan, and Krishnabinode Roy and Mansur Habibullah, to East Pakistan. The veteran Communist leader, Abdur Razzak Khan, objected to Mansur Habibullah being sent to East Pakistan as he belonged to West Bengal and had no command over the East Bengal patois. These three communists were arrested within a month of their arrival in Pakistan. Other important Communists of East Pakistan were sent to jail. Many of the well-known party members who came over to West Bengal disregarding the party mandate were promptly expelled. Other migrant members who were less known did not disclose their identity. Even Sajjad Zaheer, Krishnabinode Roy and Mansur Habibullah were expelled from the Party when they came back to India after their release from the jails of Pakistan.

The Party had accepted the partition of India but was unprepared, like the Congress, to push the logic behind partition to its inexorable issue. The Congress swallowed the bitter pill, for there was no other way to reach their goal of ruling India. The Communists accepted it as the only way to settle the vicious communal problem which appeared to them to be the greatest single factor inhibiting the spread of communism among the masses, especially among the Muslims. The Party felt that once the panacea of partition was implemented, the communal virus would be completely eradicated from the Indian body politic.

The Party directed its Pakistan cadres not to migrate to India. As far as West Pakistan was concerned, the directive meant little or nothing. There were only two party members in West Pakistan at that time. There were roughly a thousand party members in East Pakistan on the eve of partition. Indeed, it can be said that the Communist Party hardly existed in Pakistan before 1938. No doubt Communists like Gopal Basak (Dacca) and Dharani Goswami (Mymensingh), Gopen Chakraborty (Tipperah district) and Muzaffar Ahmed (Noakhali district) were involved in the Meerut Conspiracy Case. But very few people in East Bengal knew that they were Communists. It may therefore be said that the Communist activity in East Bengal began after the members of Yugantar and Anushilian groups who had converted to communism in jail were released. Most of them were middle class Hindus.

Let's concentrate on a portion of the book 'Mukti: Free to Be Born Again' by Sri Sachi G. Dastidar- Many communal leftists go even further to warn Bangladeshi Hindu, Buddhist and Christian minority and secular Muslims not to raise the issue of oppression at all as it exposes their own hypocrisy and racism. In 2001, when the anti-Hindu pogrom was raging, a group of Bangladeshis went to meet CPM Party Secretary Biman Bose, the head of the ruling Communist Party-Marxist in West Bengal. As a Bangladeshi-Hindu-living-in-India Bose said, 'Bangladeshi Hindus must not behave irrationally (to protect themselves and protest their killing). Communal (read Hindu and secular) forces should not be allowed to benefit from this.' Should leaders be allowed to benefit from expulsion and mass murder?

Conclusion

‘Sanatan Sanskriti’ flourished not only on the banks of river Ganga but also on the banks of the sacred river Sindhu. Sindh and Multan are were part of that sacred geographical space which saw the Vedas originating, unfortunately shortsighted politics, capitulation to Muslim League’s political blackmail and partition along religious lines made us lose that portion of our land in 1947.

Partition was one of the most traumatic episode, not only in the history of modern India, but of entire humanity as a whole. At the time of partition India’s leaders had promised that those of our brethren who were left behind in the newly created Pakistan would be taken care of and protected. But soon “the Congress leadership obviously forgot the generous promises uttered in a full-throated chorus before partition to the minorities on the other side of the border. They had assured the minorities that they would find a haven of refuge if they ever decided to cross the border.” (Prafulla Chakrabarti, *The Marginal Men: the Refugees & Left Political Syndrome in West Bengal*, 1999) But this promise was soon forgotten and ignored. The Bharatiya Jana Sangh and the BJP have, since 1952, pledged to provide citizenship to these beleaguered people who were civilisationally part and parcel of India.

The cultural children of India who continue to associate themselves with our cultural traditions and continued to live amidst immense pressure in their countries and who have faced, over the decades since independence, persecution in their respective countries are entitled to Bharat’s shelter. Bharatiya Janata Party had promised in manifesto 2019 to pass the Citizenship Bill. It had persisted with through the decades with this promise, it had never reneged on it. This winter session (December 2019) it finally fulfilled its promise made decades ago to the beleaguered minorities of Pakistan, Bangladesh, Afghanistan of ensuring that they get to live a life of dignity and opportunity in India. Through the passage of the Citizenship Amendment Bill 2019, the Narendra Modi government has lifted out neglect, oppression a huge mass of people who were, all these years marginalized. Those who had betrayed the Hindus of Pakistan and East Pakistan in 1947, who had failed to stand by them even after promising to do so, continue to oppose the passage of Citizenship even today, in seventy years their disdain and neglect of minorities in these three countries have not disappeared. The oppressed minorities of these countries, who are being forced to leave their home and hearth, the lakhs who continue to live a challenging existence because they have not been granted citizenship all these years ask, if Muslims can be given an entire country then why Hindus and Sikhs can’t be given Indian citizenship after all India is their natural homeland across the globe and denying such natural rights and moral obligations of India would be a grave injustice to the sense and spirit of humanism itself. Indeed it is a golden legislation, as PM Modi has said, indeed, it announces a new beginning, a new dawn, a fresh beginning for lakhs of people. By this one act the Narendra Modi government has rectified a major wrong of history, has brought one of the most heart rending chapter in the history of modern India to a close, it has fulfilled a historic commitment.

FAQ on Citizenship Amendment Bill:

The relationship between a State and its subjects is determined by the idea of Citizenship. The Right to Citizenship is basically a right that facilitates one to get other rights. Nowadays Indian Citizenship has become an important subject of our public discourse as the Parliament has amended the Citizenship Act, 1955. The purpose of this amendment is to provide citizenship to Hindu, Sikh, Buddhist, Jain, Christian and Parsi minorities from Pakistan, Bangladesh and Afghanistan, as they are subjected to persecution owing to their religious affiliation. Questions have been raised as to the constitutionality of this amendment, whereby it is claimed to be arbitrary, discriminatory and against the secular character of the Indian State. Now in order to evaluate the merits of these questions, clarify the myth that is being propagated against the amendment and trace the legality & legitimacy of the same, we are answering a few questions-

1. How India defines its Citizens and what is the political, constitutional & legal background to the criteria of Indian citizenship?

- In order to understand the idea of Indian Citizenship we will have to go back to the Constituent Assembly. It was almost impossible for the framers of the Indian Constitution to draft provisions for Citizenship amidst the inflow of refugees from East & West Pakistan. It is pertinent to mention here that the demand of citizenship for Hindus & Sikhs as their natural homeland was raised vociferously in the Assembly, however it was vetoed by Pt. Nehru on his idea of secularism. Interestingly, Dr. Ambedkar refrained from outrightly rejecting this demand before Nehru took the floor.
- However because the situation at that time was not conducive enough to finalize the Citizenship provisions, the Indian State relied on Article 11 in Part II of Constitution which specifically empowers the Parliament to frame a detailed framework for Indian Citizenship. With that mandate, Citizenship Act, 1955 saw the light of the day. Therefore, it is wrong to say that Parliament has no right to bring any change in the criteria of Citizenship which is contrary to the intentions of Constitution makers. The truth is that the Constituent Assembly never finalized the criteria for Citizenship, rather the Parliament has been empowered by the Constitution itself to take a final call as to the criteria of Indian Citizenship.

2. Why is this Citizenship Amendment Bill necessary?

- India was partitioned on the basis of religion and the religious minorities left in the East and West Pakistan (Islamic majority states) continued to face consistent persecution on the basis of religion since the very beginning. During the partition, our nation gave a commitment to these minorities that India will protect their lives and liberties in case their parent countries fail to give them safety as per the obligation under Nehru-Liaquat Pact. Hence, to protect the human rights of these persecuted classes of Pakistanis, Bangladeshis and Afghanistans, this Bill was necessary and give them citizenship rights in India where they are living as illegal migrants for decades.

3. What is the present Amendment all about? What does it entail and what are its consequences?

There are five categories for granting Citizenship to any Indian Citizen by 1955 Act; Birth, Descent, Naturalization, Registration and on Acquisition of any territory by India. This Amendment in Citizenship Act mainly proposes amendment for granting Citizenship by the process of Naturalisation-

- Clause 2 of the Bill amends the Citizenship Act, 1955 to an effect that now 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 the Citizenship Act.

- Clause 3 of the Bill inserts a new Section 6B to the Citizenship Act, 1955; it provides for granting citizenship certificate by Naturalisation for the persons protected under clause 2 of the Bill and under Section 6B (2) such persons shall be deemed to be citizens of India from the date of their entry into Indian territory.
- The new Section 6B (4) of the amended Act further provides that the above said Clause 2 of the Bill shall not apply to the tribal area of Assam, Meghalaya, Mizoram or Tripura as included in the Sixth Schedule to the Constitution and the area covered under “The Inner Line” notified under the Bengal Eastern Frontier Regulation, 1873.
- Clause 6 of the Bill further amends the Third Schedule to the Act, which provides for qualification for naturalization under Section 6(1) of the Act. It deals with the fresh application for citizenship by naturalisation and in the present case for the persecuted minorities from the three Muslim-majority Countries. It provides that for the persons belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community in Afghanistan, Bangladesh or Pakistan, the aggregate period of residence or service of Government in India as required under this clause shall be “not less than five years”, which was earlier “not less than eleven years”.
- So, the persecuted minorities from the three Islamic countries are now entitled for Citizenship under Section 6B of the Act who have entered into India on or before 31st December, 2014 and will not be considered as illegal migrant under the Act and will get citizenship from the retrospective date of their entry into India. However, if the said class of persons entered into India after 31st December, 2014, they will be eligible for the Citizenship under Section 6 of the Act read with Third Schedule of the Act, which provides for their residence for at least 5 years in India, which was earlier 11 years, as of people from other countries before making application for citizenship by naturalization.

4. What exactly is the situation of religious minorities in Pakistan & Bangladesh, and is there any obligation on India to provide citizenship to them after 70 years of Partition?

- We all know that the first Law Minister of India, Dr. B. R. Ambedkar was a Dalit, but very few of us know that the first Law Minister of Pakistan, Jogendra Nath Mandal, was also a Dalit. Mandal has also openly supported the cause of Pakistan and asked Schedule Caste communities to vote in favor of Muslim League during a referendum on Sylhet district in Assam. It was exactly after 6 months from Nehru-Liaquat Pact that the first Law Minister of Pakistan resigned from the Pakistan Cabinet on 8th October, 1950. His resignation letter is an account of extremely horrific violence unleashed on Non-Muslims in East & West Pakistan. Unfortunately, Mandal had to come back to India & he died in Indian state of West Bengal as a refugee. So in the event of Pakistan’s failure to honour the Nehru-Liaquat Pact, it is a Constitutional Obligation upon Indian State to give refuge to the victims of partition.

5. Is there any substantial constitutional challenge to the Act & how?

- Article 14 is the reservoir of Right to Equality enshrined in the Constitution. This does not mean that all general laws will be applicable to all sections of people. Article allows reasonable classification of groups or sections founded on intelligible differentia and such classification has a reasonable nexus with the object which it wants to achieve. The classification in Citizenship Amendment Bill is based on two factors
 - Classification of countries i.e. from Afghanistan, Pakistan & Bangladesh Vs Rest of the countries
 - Classification of people i.e. Hindu, Sikh, Jain, Buddhist, Parsis & Christians Vs Other sections of people
- Now the basis of this intelligible differentia (classification) is “oppression” & “minorities”. Since these three countries embrace Islam as their state religion in one form or the other & are not secular, this perpetuates oppression of minorities. Therefore oppression & minorities both are sufficient grounds of intelligible differentia, and since Government wants to ensure the life and liberty of these oppressed minorities to be protected,

providing them with Citizenship acts as a reasonable nexus with the object which this “classification” aims to achieve, thereby coming under the permissible category of reasonable classification. Arbitrariness doctrine revived in Shayara Bano case by Supreme Court has a standard of “unfair, unreasonable, discriminatory, not transparent, capricious, biased, with favoritism or nepotism”, for a legislation to be arbitrary and to be unconstitutional. Here in this case arbitrariness is not at all applicable as there exists a well-defined criteria of minoritism & oppression for a reasonable classification as discussed above. The legislation, therefore, passes both tests of reasonable classification & non-arbitrariness.

6. Whether this bill is really discriminating against a particular community, is it really Anti-Muslim?

- For religious minorities, who are victims of oppression just because of their religious identity in their own countries, any action for their protection won't dent secularism in India, as the contrary is being claimed. It would rather uphold and strengthen our secularism which seeks to protect and promote the rights of every individual irrespective of his/her religion. The very purpose of this bill is to ensure well-being of minorities who are suffering religious persecution in these three countries viz Pakistan, Bangladesh and Afganistan. Since Muslims are neither minorities nor do they face persecution because of their religious affiliation in these countries, they are obviously not included here. It is important to note that the Citizenship Amendment Bill doesn't discriminate against the Indian Muslims who are its citizens, it only aims to protect those minorities who get persecuted in their home countries owing to their religious affiliation.
- Any foreigner of any religion from any country can apply for Indian citizenship if he/she is eligible to do so as per Section 6 of the Citizenship Act, 1955. The CAB does not change these provisions at all. It only provides for affirmative preference to the migrants of six minority communities from three countries to apply for Indian citizenship if they meet the given criteria.
- Secondly, if we were to provide Citizenship to all Pakistani and Bangladeshi citizens then Partition of the country where we gave 1/3rd of our land will become redundant. So, once a set of territory has already been given that too specifically on religious grounds, it doesn't make any sense to again give citizenship to those who chose Pakistan or Bangladesh as their homeland.

7. Whether it is for the first time that such a classification has been made and an action has been taken for such refugees?

- No, it is not for the first time that such an exercise is taking place. It is pertinent to go back to 1950 when Jawaharlal Nehru was the Prime Minister and Dr. Ambedkar was the Law Minister, the cabinet passed a legislation called The Immigrants (Expulsion From Assam) Act, 1950. Two of the features of this Act included-
01. To expel all those who entered into Assam illegally with ulterior motives
02. Exclude from it those who came to India due to civil disturbances i.e. practically the Hindus/Sikhs who came due to riots (they were allowed to stay back in India).
- Secondly in 2003, the NDA Government led by Shri Atal Bihari Vajpayee gave special powers to some border districts of Rajasthan & Gujarat to take decisions as to granting citizenship to Hindu & Sikh refugees coming from Pakistan & Bangladesh. So, it is unfair to say that this is for the first time that such a measure has been taken. Atrocities in Pakistan especially after General Jia-Ul-Haq's regime and subsequent influx of refugees have been common phenomena which needed a permanent solution, and this Bill aims to address the same.

8. Do the people persecuted in their home countries need to declare themselves as refugee upon their arrival in India and wait for five years to get citizenship according to the Bill?

No, this Bill provides citizenship from a retrospective date, i.e. from the date of their entry into India and they don't have to declare themselves as refugee. There is no requirement for them to wait for 5 years to get

citizenship under Section 6B of the Amended Act if they have entered into India before 31st December, 2014. Only to those persecuted class, as provided under Clause 2 of the Bill who have entered into India after 31st December, 2014, have to reside in India for minimum 5 years to get citizenship by naturalization under Section 6 of the Act (applicable on legal migrants), which was earlier 11 years.

9. What about those who have come before 15th August 1947 into India from Pakistan or Bangladesh? Do they have to apply for the citizenship too under the new amendment?

No, As per Article 6 of the Constitution of India those who have entered into India till 19th July, 1948 are already deemed Citizens of India. And those who have entered after 19th July, 1948 and before the commencement of the Constitution are also deemed citizens if they have already registered as a citizen of India under Article 6 (b) (ii) of the Constitution. This Bill has nothing to do with those persons who entered India before 15th August, 1947.

10. How to assess that the persecuted minority from these countries have entered before 31st December, 2014?

It can be said in form of any documentary evidence as per the requirement under Section 6B of the Act. Such requirement is as per the third schedule of the Act.

11. Why is there a cutoff date of 31st December, 2014 to make application under Section 6B of the Act?

Because of the ceiling period of 5 years, it is necessary to make an application under Section 6 of the Act as per the Third Schedule of the Act. Till this particular date, these persecuted class satisfy the criteria under Third Schedule of the Act i.e 5 years of residence, which is necessary hence this cutoff date is fixed.

12. How can one give the evidence of religious persecution to avail the benefit under the amended Act?

It can be given in the form by declaration in the application so made under Section 6 or Section 6B of the Act and it nowhere requires any specific documentary evidence for religious persecution. Applicant has to only fulfill the criteria given under Schedule III of the Act.

13. Whether those who are availing benefit under the welfare schemes of the government have to forgo such benefit after making the application to avail citizenship and during the pendency of the decision?

No, as per the second proviso of Section 6B (3) of the amended Act they shall not be deprived of such rights and privileges.

14. What happens to such persecuted minorities living in certain areas of the North East, where this Amendment is not applicable? From where can they get the benefit under this Amendment?

This Amendment is not applicable to such people living in the tribal area of Assam, Meghalaya, Mizoram or Tripura as included in the Sixth Schedule to the Constitution and the area covered under "The Inner Line" notified under the Bengal Eastern Frontier Regulation, 1873 to preserve their native and indigenous culture. However, such people living in these excluded areas can make an application from other areas of the country where this Amendment is applicable and shall receive the consequential rights attached with the citizenship from that place only.

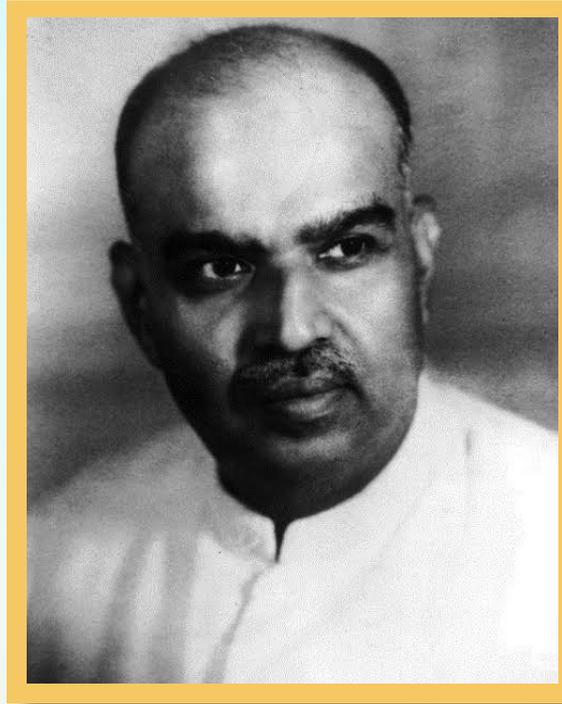
15. What will happen if such persons seeking benefit under this amendment are facing prosecution against themselves for illegally entering into India?

It will not disqualify them if they are otherwise found qualified for the grant of citizenship under the scheme of the amended Act.

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(Source of Cover Picture : Congestion in Sealdah Station: Image from Millions Came from Eastern Pakistan, They Live Again, Director of Publicity, Government of West Bengal, 1953)



“Let us not forget that the Hindus of East Bengal are entitled to the protection of India, not on humanitarian consideration alone, but by virtue of their sufferings and sacrifices, made cheerfully for generations, not for advancing their own parochial interests, but for laying the foundations of India’s political freedom and intellectual progress. It is the united voice of the leaders that are dead and of the youth that smilingly walked upto the gallows for India’s cause that calls for justice and fairplay at the hands of Free India of today.”

-Dr. Syama Prasad Mookerjee
in Parliament on his resignation as Minister of Industry and Supply,
19th April, 1950

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Dr. Syama Prasad Mookerjee Research Foundation

9, Ashoka Road New Delhi - 110001

E-mail: office@spmrf.org, Phone: 011-23005850