

# PARADIGM SHIFT

2021-2022 #1

## Weaponising Indian Citizenship: Legitimizing and Delegitimizing Communities! - Part I

“...As Muslim women, who move from natal to marital homes, often without papers, their claim to citizenship is built on the nurturing experience of life, not a stamp on a paper. Their refusal to show papers is built on a moral principle. And that principle is the understanding that the peoples of India cannot build a house of freedom for themselves if its foundation stands on the exclusion of any people unable to furnish documentary proof of their citizenship claim. If that is done, then citizenship, instead of a ticket to have rights, or a knot in the fabric of solidarity that is constantly being woven and is always unfinished becomes the lock of a paper-cage! The State then becomes the custodian of the key to that cage...”

– Ishan Tankha(\*1)

“...Denying a path to citizenship to immigrants of a particular religion is an unconcealed expression of the two-nation theory, apart from being a violation of the constitutional and human principles of equality...”.

– Rajmohan Gandhi,

*Indian Express, February 13, 2020*

### Comment:

On December 11, 2019 the Parliament passed the Citizenship (Amendment) Act, (CAA), which was officially notified on January 10, 2020. Accordingly, many political parties voted in unexpected ways (2), viz.

- The Shiv Sena voted against the bill as they wanted persecuted migrants to be eligible for citizenship-rights for many years but without voting rights;
- The Tamil nationalist party the AIADMK was not pleased with the exclusion of Sri Lankan Tamils but nevertheless voted in its favor;
- Moreover, the originally drafted CAB of 2016 was different from the one passed in 2019. To allay the fears of the North Eastern States – of large migration of Bengali Hindus -- and in order to get their political parties on board the BJP modified the original proposed bill exempting States where the Inner Line Permit (ILP) or the

Sixth Schedule (which grants a degree of autonomy to tribal councils) operates.

The CAA has its roots in two sources – Partition and the alleged religious persecution of non-Muslims in Islamic countries.

The emotional argument that as non-Muslims has no other place that they may call as their home, India would be remiss in not remedying this grave injustice. However, this stand is merely a Government ploy to support the law that is legally misconceived and historically flawed. Even a casual look at the Act clearly exposes the lacunae in its claim that the legislation also seeks to remedy the errors of Partition. However, to keep the record straight, those errors were clearly addressed when the Constitution introduced Article 6, recognizing and restoring the rights of persons who migrated to India from Pakistan.

The Act fast tracks citizenship to religious minorities – Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians -- from Pakistan,

Bangladesh and Afghanistan escaping religious persecution – aimed to provide them amnesty. However, it explicitly excludes the Muslim community as a whole including minorities sectarian Muslims who are widely persecuted, such as Shia and Ahmadiya Muslims. This exclusion is consistent with the approach implicit in other recent measures taken to address the legal status of migrants in India.

India is not a signatory to the 1951 Refugee Convention, nor does it have a domestic refugee law. (3) So, individuals who enter India without a valid document or have incomplete or expired documents get classified as “illegal migrants”. Before other recent interventions, categorization as an illegal migrant made migrants ineligible to apply for Indian citizenship and made them subject to prosecution, deportation and imprisonment.

Over the past few years, the Indian government has taken various steps to exempt individuals from these 6 non-Muslim religions from imprisonment and deportation. It has also granted long-term-stay visas to migrants from these groups but these protections have not been extended to Muslims. (Note: Muslims make up 14.2% of India's population)

The CAA goes a step further and makes individuals from these non-Muslim religious communities from these 3 Muslim countries eligible for a fast-track path to Indian citizenship. In addition to religious affiliation, it places other requirements for an illegal migrant to be eligible for citizenship, notably, country of origin.

The government's rationale for selecting the 3 Muslim countries is that these countries have a state religion (Islam), so religious minorities have experienced persecution. This stand is not merely contradictory but highly puzzling in that the other Indian neighbors omitted from the law, not only have a State religion but also have widespread persecution of religious minorities! It is universally acknowledged

that Muslims are no safer from religious persecution than other communities. Instances of persecution abound. In Sri Lanka, the State religion is Buddhism, and there has been a history of persecution of the largely Hindu Tamil Eelam ethnic community; and Myanmar has a constitutional status for Buddhism and has led a now –infamous persecution of the Rohingya Muslims. A large number of refugees from these communities currently reside in India. The omission of Myanmar and Sri Lanka from the ambit of the CAA is surprising. Moreover, choosing to limit the law's reach to 6 non-Muslim religions means that the Indian government fails to provide a path to the legal status for migrants from minority sects like the Hazaras, the Ahmadiyahs and Shia sects in Pakistan, Taslima Nasrin in Bangladesh, or for that matter, Salman Rushdie including atheists.(4)

The pertinent question therefore is why does a law, whose stated objective is to provide citizenship to individuals fleeing religious persecution, fail to protect threatened minorities from other neighbouring countries or even certain communities from Act's 3 specified countries?

Evidently, the CAA Act is totally unconstitutional in that it targets only particular religious communities. It fails to provide an equal opportunity for all individuals based on minority status or asylum need (1). That is, the government has been selective about the choice of countries to which the Act will apply while ignoring others e.g. Sri Lanka, Myanmar, China and Bhutan. This makes the intent to deny protection to Muslims patently clear. Besides, India is the only country to apply religion as the basis of citizenship.

This distinction between Muslim and non-Muslim migrants is wholly irrational and unjustified. “None of these distinctions correspond with the ostensible purpose of the law. From the perspective of India's equality jurisprudence, these distinctions are under-

inclusive. They do not include groups that must be included to meet the law's aim of accommodating minority communities facing religious persecution". (2)

In this way, specific Indian communities face a profound disadvantage because of their religious identity and the country of origin. That is, non-Muslim residents -- illegally migrated from Afghanistan, Pakistan, and Bangladesh -- will be qualified for citizenship through registration and naturalization. On the other hand, similarly placed Muslim residents, will not qualify. What this means is that if a child born in India after 2003 to Hindu "illegal migrants" it would qualify as a citizen by birth whereas a child is born to even one Muslim "illegal migrant" they dis-qualify! The disadvantage applies to also residents who may have illegally migrated from other countries like Sri Lanka, Nepal, China, and Myanmar. It would be immaterial if their religious identity and the reasons for migration were the same. For example, while a Buddhist who fled China for the same reason would not.

The Government's action led to widespread protests and demonstrations across India leading to police repression and violence perpetrated even in university campuses, etc. The repression was a clear-cut violation of the secular foundations of the Indian Constitution.

This policy thus serves as a means to weaponise Indian citizenship which has a historical context that makes citizenship a contested and highly controversial terrain.

The BJP Government however claims that this amendment is highly beneficial and is an SOS to protect minorities. Along with executive orders its move makes the following distinctions: (2)

- Between Muslim and non-Muslim migrants from Afghanistan, Bangladesh, and Pakistan;
- Between migrants from these 3 countries and those from other countries;
- Between residents who migrated due to

reasons of religious persecution and

- Those who migrated due to other forms of persecution like racial, ethnic or transgender persecution.

The CAA fails to recognize this cold, hard truth: religious persecution is not necessarily premised on the religion of the victim! (4) What is also disturbing is about the eventual legal effects of the amendment. Under the earlier citizenship regime, "an illegal migrant" was denied access to citizenship even through the process of naturalization under Section 6 read with Third Schedule of the Citizenship, 1954. An illegal migrant was defined under Section 2(b), as one who was without the necessary passport or travel documents as specified therein. Hence, whether or not a person was an illegal migrant was simply an outcome of the existence of requisite travel documents or the lack thereof.

The CAA on the other hand has shredded this definition by introducing the yardstick of religion! The Parliament has effectively decreed that a Muslim will remain an illegal migrant, whereas any non-Muslim will not, irrespective of lack of travel documents!

The list of non-Muslim communities excluded from the definition of illegal migrants does not even require that they be of Indian origin. This again makes a mockery of the "persons of Indian origin protection" set out in the objects of the Act. All they have to be is "from Afghanistan, Bangladesh or Pakistan". What does "from" mean? A citizen? A resident? A passenger in-transit?

"Given no requirement of being of Indian origin or having to prove any such origin means that an alien could simply apply on the terms of the CAA, prove entry on/before December 2014, and be eligible for citizenship..." (4) On the other hand, a Muslim would be denied such benefit. They may lead to many an undesirable elements slipping through the cracks, causing even national security to be sacrificed at the altar of religious jingoism. (4)

This necessarily raises the other crucial



question: what then is the legal imperative, much less the rationale, to elevate a refugee to a citizen merely because s/he is a non-Muslim while denying the same right to a Muslim?

The concept of citizenship is contained in Part II of the Constitution under Articles 5 to 11. The fact that these Articles were drafted, debated, re-drafted and re-debated over a period of 2 years, culminating in their form only on August 12, 1949, shows what a vexed question it was then too!

Unfortunately, the Union Government, managed to sneak into the Constitutional Charter what India's founding father had rejected more than 70 years again. Yet, a few members of the Constituent Assembly tried to smuggle in the religion-specific parameters for granting citizenship. Their argument even then was that while Muslims have Pakistan, neither the Hindu, nor the Sikh has any other place and hence s/he should get Indian citizenship. This perverted logic was raised not just for the primary issue of citizenship but even the troubling subject of citizenship for persons (reads: Muslims) who had initially migrated to Pakistan but then returned to India. This claim however was rejected by the majority.

## II

### Indian Constitution and Citizenship

Following Partition in 1947 people in the territory of India were essentially eligible for birthright citizenship. Hindu refugees coming from Pakistan, however, often had to deal with citizenship challenges. Then, in 1986, the Indian parliament passed a law in which to be eligible for citizenship, at least one parent had to be Indian. It was in the early 2000s that the Government under the BJP that the notion of classifying migrants and refugees, based on religion, was set in motion.

The question of citizenship had a serious affect in the State of Assam. It has been experiencing almost 3 decades of hostility and resentment against communities deemed to be "Bangladeshi" and "foreign" by the State. Assam's anti-migrant sentiment can be traced

back (again) to India's colonial past when Assam's demographic structure changed. To expand agricultural production, Bengali Muslim peasants were brought into Assam, while Bengali Hindus settled in the region to take up administrative posts. In 1983, hundreds of Bengalis, mainly Muslims, were killed by Assamese nationalists in the Nellie massacre. In 1985, the then Prime Minister, Rajiv Gandhi, signed an accord with the Assamese nationalists to create a register of citizenship, (NRC), to end the violence and signal the way forward. Accordingly, anyone who entered India after midnight of March 24, 1971 (the Day before Bangladesh declared its independence) would be deemed a foreigner.

However, no real progress was made on the registry. It was only when the BJP government assumed office in the State in 2016; an advance in this direction was made. (\*4) Prior to that and the progression of the NRC, however, there had long been citizenship discrimination. Within the State, there was the creation of a special category of people known as "D" or "Doubtful" voters whose citizenship status was questioned. Since then the NRC process continued marginalizing some of the most vulnerable sections in Assamese society viz., Bengali Muslims whose literacy rate is 19 percent and birth registration is minimal. (\*5)

There were also other consequences. In 2019 when the final draft of the NRC was published, the BJP government was shell-shocked to learn of the substantial number of Hindus missing in the final list of 1.9 m. people! Not surprisingly, this led to a conflict between them and the local Assamese politicians who were hostile to anyone they saw as "Bangladeshi" regardless of their religion. These were declared non-citizens and shunted into detention centres in Assam.

The denationalization of the Bengali Muslims echoes' some of the dynamics of how the Rohingyas of Myanmar were gradually stripped of their citizenship rights and ended up as a Stateless community.

The Indian Constitution, implemented in 1950, guaranteeing citizenship to the country's residents made no distinction on the basis of religion of the residents of the country. When the Constitution was promulgated, 4 categories of persons were identified as eligible for citizenship, noted under Articles 5 and 8(1):

- I. Article 5: Citizenship by Domicile
- II. Article 6: Citizenship of Migrants to India from Pakistan
- III. Article 7: Citizenship of Migrants of Pakistan
- IV. Article 8: Citizenship of Indian Origin Residing Outside India

EACH Article outlines particular points by raising figures such as familial relations, number of years in India, or year entered in India. As the term 'citizen' had not been correctly defined, the Citizen Act of 1955 added more detail for those who would be identified as citizens. This Act included citizenship by birth, naturalization, and etc. Furthermore, under India's Condition, Articles 13,14,15,16 and 21 deal with equality and freedom rights. These Articles protect Indian citizens with secular protection for all. The articles guarantee the right to equality and non-discriminatory treatment by the Indian State. Thought it seeks to grant citizenship to religious minorities, isolated individuals on the basis of religious identity as well (1)

The criteria and procedures for citizenship under the Citizenship Act are varied and complex. Under the existing law, any person who was born in India till 1987 is an Indian citizen. Hence, till 1987, India followed the criterion of citizenship by birth. This criterion is narrowed down for persons born in India between 1987 and 2003. Such persons must have at least one parent who is an Indian citizen. A person can also be registered as an Indian citizen. A person qualifies for registration if, among other grounds, they are of Indian origin and have been residing in India or outside undivided India, are married to an Indian citizen or are a minor child of

Indian citizens. A person can also apply for citizenship through naturalization following the procedures laid down in the act and rules. (6)

In 2004, this scheme was again amended by the introducing the term, "illegal migrant" which was defined as someone who enters or stays in India without legal authorization. The amendment was an obvious response to the anxiety, well founded or otherwise, that Bangladeshi migrants would get Indian citizenship and take part in elections. After the amendment, any child born, born 2004 onwards to even one parent who is an illegal migrant would be disqualified from citizenship by birth. Illegal migrants were also disqualified from the other routes to citizenship. Any persons who were an "illegal migrant" or a descendant of an "illegal migrant" would be disqualified from getting Indian citizenship through any means whatsoever.

The Amendment however seeks to change this scheme. It removes the disqualification based on illegal migration for "minority communities" -- "Hindus, Sikhs, Buddhists, Jains, Parsis and Christians -- from Afghanistan, Bangladesh, and Pakistan. These communities would not be considered "illegal migrants" thus allowing them and their descendants to be Indian citizens or apply for Indian citizenship. The amendment shortens the minimum period of resident in India for them. Instead of the 11 years applicable to everyone, they need 6 years to qualify for citizenship though naturalization.

In other words, the Amendment seeks to make two changes, specifically for non-Muslim migrants from these three neighboring countries: it removes the possibility of their and their descendants' disqualification from citizenship, and speeds up the obtaining citizenship by naturalization.

The CAA, 2019, is a frontal assault on the idea of India as a Secular, Pluralistic Democracy. For the first time, legal sanction has been given to recast India as a Hindu majoritarian nation,

where minorities, especially Muslims, are second-class citizens (8). The Act is a stark regression of the trajectory of India as a constitutional democracy. It makes religious affiliation one of the grounds for citizenship, violating the basic structure of the Indian Constitution. It infringes on Articles 14 and 15, which guarantee equality before the law and non-discrimination on religious ground.

The new Act amends the Citizenship Act of India (1955). It offers essentially two grounds for citizenship: Indian origin (based on birth and descent) and long and continuous residence in India. It makes no reference to

religion or religious affiliation as a basis for citizenship!

India's founding fathers adopted a secular and all-inclusive constitutional framework. It was a conscious rejection of the so-called two-nation theory viz., the idea that the people living in undivided India consisted of two distinct nations -- one Hindu and one Muslim - - deserving two separate homelands. The new Act on the other hand is a sharp departure from this position; it validates the two-nation theory. It sets up a hierarchy of rights based on religious affiliation and fundamentally alters the secular basis of India's citizenship regime.

#### **A Macabre History Lesson: What Happened in Nazi Germany (7)**

The Citizenship Act and its mega and portentous campaign are embedded with enormous danger for religious minorities. One needs only to recall the barbarism of what occurred in Germany after the Nazis took power in 1933. They, too, had started with changes in law to discriminate against the Jews. Although India is not yet exactly like Nazi Germany it would be useful to recall how the Nazis went about targeting and ultimately eliminating an estimated 6 million Jews! It all began with changes in laws, supplemented by street violence.

In 1920 the German Nazi Party's 25-point programme spelt out their goal of segregating Jews from 'Aryan' society and ending their economic, social and political rights. After getting into power in 1933, the Nazis started moving quickly towards this goal. It launched laws and regulation to isolate Jews. On September 15, 1935, it passed 2 distinct laws, known collectively as the Nuremberg Laws – the Reich Citizenship Law and the Law for the Protection of German Blood and German Honour.

The former law proclaimed that only those of German blood were citizens of the Reich, the Jews (and later the nomadic Romanis and others of non-German races) were only 'Subjects of the State' without citizenship rights. In contemporary parlance, this law may be akin to the so-called 'Love Jihad' law. The latter law barred Germans from marrying Jews, from extramarital intercourse with Jews, and Jewish households from employing German females below the age of 45, assuming that

Jewish men would force such maids into committing race defilement. Thousands of people were convicted or simply disappeared into concentration camps for race defilement.

These laws include many of the racial theories under-pinning Nazi ideology providing the legal framework for the systematic persecution of Jews in Germany. It is estimated that nearly 2,000 such statutory changes were ordered at all levels, from national to provincial to local. Some of these anti-Semitic laws include:

- 1933: New laws to remove Jews from government series; prevent Jews to become lawyers; limiting number of Jewish students in schools; revoking citizenship of naturalized Jews and “undesirables”; banning them from editorial posts; banning 'Kosher' ritual slaughter of animals;
- 1934: Jewish students forbidden from appearing in exams for medicine, dentistry, pharmacy and law; Jews excluded from the armed forces;
- 1935: Infamous Nuremberg Laws: exclude German Jews from Reich citizenship and deny voting rights; prohibit them from marrying or having sexual relations with persons of “German or German-related blood”;
- 1935-36: Jews banned from parks, restaurants and swimming pool; prevented to use electrical/optical equipment, bicycles, typewriters or records; Jewish students removed from German schools and

In the original Act, “illegal migrants” are ineligible to apply for Indian citizenship. An illegal migrant is a foreigner who entered India without a valid travel document or remained in India beyond the permitted period of time. On the other hand, the new Amendment declares any who is a Hindu, Sikh, Buddhist, Jain, Parsi or Christian who entered India from one of the 3 neighboring countries (Afghanistan, Bangladesh, and Pakistan) before 2015, is not an “illegal migrant”. This person qualifies for fast-track citizenship.

In fast-tracking Indian citizenship, the Act reduces the residency requirements for non-

Muslim applicants to 5 years from 12. Citizenship for non-Muslim migrants from the 3 neighboring countries is retroactive from the date they entered India.

In contrast, Muslim migrants with similar origins and migratory backgrounds would be considered illegal migrants and likely to be detained, imprisoned and deported for doing nothing more than their counterparts who would now get expedited citizenship.

This is a change from the usual provision of the Act, where citizenship begins when one received their naturalization certificate. Non-Muslim migrants also received immunity

universities; Jewish teachers banned from government schools

- 1938: special ID cards issued to Jews; excluded from cinema, theatre, concerts, exhibitions, beaches and holiday resorts; forced to add the names 'Sarah' or 'Israel' to their own; Jews' Passports stamped with a red letter 'J';
- On the night of November 9-10 (called Kristallnacht or Night of Broken Glass) countrywide violence against Jews, synagogues burnt and shops vandalized;
- 1939: Jews evicted from their homes; their radios confiscated; they were ordered to hand over all gold, silver, diamonds, and other precious items without any compensation; curfew was imposed on the community;
- 1940: Jews' telephones confiscated and forbidden to use public phones; war time ration cards for clothes discontinued;
- 1941: Jews forbidden to keep pets; forbidden to leave the country;
- 1942: Woolen garments of the Jews were confiscated; not allowed to receive poultry and dairy products.

Along with the Romas, sexual minorities, trade unionists, communists, blacks, etc. -- all non-Aryans -- were systematically tortured and murdered in the most barbaric ways. Often these laws served as a pretext to inflict violence. These acts were implemented by the Nazi storm troopers and which were authorized by the fascist dictators and its Fuhrer, Adolf Hitler.

The significant point here is the fact that the Nuremberg Laws reversed the process of emancipation, whereby Jews in Germany were included as full members of society and equal citizens of the country. More significantly they laid the foundation for future anti-Semitic measures by legally distinguishing between German and Jew. For the first time in history, Jews faced persecution not for what they believed, but of who they – or their parents – were by birth.

In Nazi Germany, no profession or belief and no act or statement could convert a Jew into a German. Many Germans who had never practiced Judaism or who had not done so for years found themselves caught in the web of Nazi terror.

While the Nuremberg Laws specifically mentioned only Jews, the laws eventually extended to Blacks and Roma and Gypsies (Sinti) living in Germany. The definition of Jews, Blacks and Romas as racial aliens facilitated their persecution in Germany.

During World War II, many countries allied to or dependent on Germany enacted their own versions of the Nuremberg Laws. By 1941, Italy, Hungary, Romania, Slovakia, Bulgaria, Vichy France, and Croatia had all enacted anti-Jewish legislation similar to the Nuremberg Laws in Germany.

According to a researcher Subodh Varma (7), Nazi Germany's citizenship law has an eerie echo in India's citizenship bill! The RSS has been highly appreciative of the German Nazis. Its chief ideologue M.S. Golwalkar in his infamous book “We



from ongoing legal proceedings that may adversely impact their illegibility for citizenship.

Muslim migrants on the other hand who seek citizenship are in a wholly different world and have a far narrower chance of establishing their claim for citizenship. Excluded from the scope of the amendment, they must wait 12 before applying for citizenship and get no immunity from adverse legal proceedings.<sup>(9)</sup> Poor record keeping in especially rural India makes the process of document verification highly complicated and susceptible to discrimination against minorities.

Undoubtedly, refugee protection is a noble goal. However, it is inexplicable why religious minorities facing persecution in neighboring countries are excluded! The Sri Lankan Hindus and Bhutanese Christians are also excluded. And what of the victims of other forms of persecution beyond religious persecution?

There is also a legitimate fear that the Act will change the unique ethnic make-up and

Indigenous way of life in India's North East States. It will also generate lasting mistrust among Indian Muslims and provoke extremism and risks a cauldron of violence.

The Act therefore clearly undermines the basic tenets of India's democracy. Attaching citizenship rights to religious affiliation runs counter to the letter and spirit of India's Constitution and constitutional morality. It goes against a long and vibrant history of religious tolerance, pluralism, secularism and defensible right to equal treatment before law. It is bound to permanently damage India's pluralistic social fabric.

India's constitutional order has successfully endured many challenges. But the current all out attack is more perilous than anything before. Given the current government's agenda to "make India Hindu" the updated citizenship act is the institutional inauguration of this process! <sup>(10)</sup>

By introducing religion as a criterion for the grant of Indian citizenship and effectively identifying one and only one religion as a persecutor, the CAA has set the stage for

– Or Our Nationhood Defined” had appreciatively commented, “Germany shocked the world by her purging the country of the Semitic Races – the Jews. Race pride at its highest has been manifested here...Nazi Germany has also shown how well-nigh impossible it is for races and cultures, having differences going to the root, to be assimilated into one united whole, a good lesson for us in Hindustan to learn and profit by(p.87-88).

Golwalkar further asserted, “All those not belonging to the national i.e. Hindu Race, Religion, Culture and Language, naturally fall out of the pale of real 'National' life (p.99) He had further advised that such people would be considered foreigners if they “maintain their racial and cultural differences”. (p. 101)

He also made it crystal clear : the foreign races in Hindustan must either adopt the Hindu culture and language, must learn to respect and hold in reverence Hindu religion, must entertain no idea but those of the glorification of the Hindu race and culture, i.e. of the Hindu national and must lose

their separate existence to merge in the Hindu race, or, stay in the country, wholly subordinated to the Hindu Nation, claiming nothing, deserving no privileges, far less any preferential treatment – not even citizen's rights (p.105)

Note the last phrase! This is what the present government is seemingly striving to achieve. CAB is the thin end of the wedge. NRC will lay the legal ground for a wider and deeper division (4) since its imposition.

Ominous as this reality is, there is need to note the case of Nazi Germany. In its exercise of census data collection, Nazi Germany, openly abused its census data to identify Jews, to later persecute them and as they invaded few other countries of Europe, they got their population data and used it identify people to be rounded up, put in labour camps and ultimately exterminated. (8)

Be that as it may, the lesson of history must be quickly learnt – or else, we will be condemned to repeat it.



India's transformation into a Hindu majoritarian State.

Since then, the most potent check on the rising majoritarianism has led a widespread protest movement, stemming from the Government's actions. Thousands have peacefully protested against the CAA and NRC combine, in the face of arrest and police violence. They have

positioned themselves as defending Indian secular democratic ethos by collectively reciting the preamble of the Constitution, "We, the people of India, having solemnly resolved to constitute India as a Sovereign, Socialist, Secular, Democratic Republic and to secure to all its citizens".

### Shaheen Bagh and Protest Art (10)

Not long before the Corona pandemic broke out, the nation was shaken by the most powerful popular uprising in recent memory. Launched by ordinary Muslim women in Delhi's Shaheen Bagh colony, it was joined by people from a cross-section of religions, gender, caste and social status. As their protest against the Citizenship (Amendment) Act (CAA) and the National Register of Citizens (NRC) rose, similar movement, led by women and students, spring up in other parts of the country.

In response, the government sent the police to quell the demonstrations. The police had also on December 15, 2019 stormed Delhi's Jamia Millia Islamia University and attacked unarmed students protesting peacefully against the Citizenship Amendment Act (CAA) which makes religion the dominant factor in the process of granting Indian citizenship.

One of the many unique features of the Shaheen Bagh issue was the nature of the peaceful protests itself. It took very creative forms. The Shaheen Bagh protestors and volunteers utilized [protest art](#) extensively.[11] The protest area was covered in murals, [graffiti](#), posters and banners.[11][80] Protestors built a 12-metre-high (40 ft) iron welded structure in the shape of India, painted with the message "Hum Bharat ke log CAA-NPR-NRC nahi maante" (English: We the people of India reject CAA-NPR-NRC).[83][84] Hundreds of paper boats with the words of [Hum Dekhenge](#) (We will witness), a poem of resistance, were

arranged as a heart and dwarfed by a tank representing state oppression.[85][61] Posters proclaimed that the protestors were a bouquet, and not the [lotus](#), the symbol of the ruling [Bharatiya Janata Party](#). [86]

At the main protest tent in Shaheen Bagh, between 2 and 8 February 2020, a musical and cultural event called 'Artists against Communalism' was held in solidarity with anti-CAA protest. Performers included [Shubha Mudgal](#), [T. M. Krishna](#), [Madan Gopal Singh](#), [Prateek Kuhad](#) and [Anushka Manchanda](#), [93][94] and musical groups [Advaita](#), [Peter Cat Recording Co.](#) and [Rajasthani folk](#) troupe [Kutle Khan](#). [95][96] Mudgal performed the song "Hamari Khwaishon ka Naam Inquilab Hain" (My dream is my revolution) and "Main nahin janta, main nahin manta" (I refuse to acknowledge, I refuse to accept) by [Habib Jalib](#). [93][97] Rapper Sumit Roy performed his viral rap music "Poorna Swaraj" (Complete freedom) and poet Amir Aziz recited "Main Inkaar Karta Hoon" (I refuse). [93]

From the first day, children were present alongside parents who participated in the protest. [98] Most of these children would visit school in the morning before joining their parents at the protest site, which became an art space for many children. They would express their thoughts and join in the protest through [storytelling](#), poetry, [puppetry](#), singing and painting. [99][100] Student and teacher volunteers engaged the local children in reading, painting and singing, and held

informal reading lessons.[61][101]

Children at the Shaheen Bagh protests dressed in tricolor. They drew about issues such as the –Australian wildfires and other things such as Deepika Padukone, Spider-Man and Disney Princesses.[87] Some of the children would go to the stage with slogans such as "Hum kagaz nahin dikhayenge" (we won't show our papers).[87] One of the most common pictures drawn by the children was that of the national flag.[87] Scroll.in called the area an "open air art gallery".[86]

On 21 January 2020, the National Commission for Protection of Child Rights, the top children's-rights body of India, asked authorities to provide counseling for children present at the protests.[102] A complaint was received by the children's-rights body that the children had been misinformed by their

parents about the CAA and detention centers.[103][104] Some of these children were seen in viral videos of the protests shouting slogans. The District Magistrate of South East Delhi was informed of "mental trauma" the children may have undergone due to this.[103] After an infant died at the protests the Supreme Court questioned the Union and state governments as to why a four-month year old child was at the protest.[105] Shaheen Bagh put out a statement in this regard, "To say that a child is too immature to feel their oppression is to belittle and reduce oppression as something that can be felt only by those who understand its nuances".[106] Earlier, West Bengal BJP chief Dilip Ghosh had expressed his surprise as to why nobody had died at the protest site till then, considering that elderly women and children were protesting under difficult conditions.[107]

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**Next Issue: Part II of the Citizenship Act**

**Paradigm Shift** is a quarterly factsheet to highlight the shifts in various socio-cultural and political fields that affect especially the marginalized communities including transgender people.  
**Paradigm Shift** also aims to unpack the unsustainable development practices, outsourced to India -- adversely affecting the environment -- and responsible for where humanity finds itself today.



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