



Justice Coalition of Religious

Justice at the heart of global transformation

Statement by

Justice Coalition of Religious – Maharashtra opposing the CAA, NPR, NRC

We, 36 Religious, representatives of 16 religious congregations working with some of the poorest and most marginalized communities (urban and rural poor, Dalits and Adivasis, street children, women in prostitution/sex work, homeless populations, persons with disabilities, etc) in Maharashtra, gathered in Mumbai between 16-18 January 2020 to participate in a capacity-building workshop titled, 'Rights-based Advocacy in relation to the Sustainable Development Goals.' As citizens deeply committed to a just and rights-based implementation of the SDGs, we strongly oppose the Citizenship Amendment Act (CAA) as unconstitutional and therefore counterproductive with respect to SDG 16. We are also deeply concerned about the negative fallout the proposed all-India-level National Population Register (NPR) and National Register of Citizens (NRC) will have on the people of the country, disproportionately harming the poor, vulnerable, and marginalized and thereby nullifying efforts toward SDG 10 among others.

Citizenship in India has always been based on the non-negotiable principles of equality and non-discrimination. When our country became independent in 1947 and when it gave itself a Constitution in 1950, laying the edifice of our proud Republic, it accepted that people of all faiths, creeds, castes, languages, and genders are Indian equally and without discrimination. The CAA is the first instance of religion being overtly used as criterion for citizenship under Indian nationality laws and therefore fundamentally discriminatory and divisive in nature. It is at odds with secular principles enshrined in the Constitution and contradicts Articles 13, 14, 15, 16 & 21, which guarantee to every citizen the right to equality, equality before the law, and non-discriminatory treatment by the State. The law also undermines India's commitment to uphold the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), and other human rights treaties to which the country is a signatory.

The CAA fast-tracks Indian citizenship for Hindus, Sikhs, Buddhist, Christians, Parsis and Jains who arrived in India on or before December 31, 2014 from its Muslim majority neighbours, namely Pakistan, Bangladesh, and Afghanistan. By giving special privileges to migrants from these religious communities, the government has singled out Muslims for exclusion. As citizens and members of the minority Christian community in the country, we are dismayed that a statutory attempt is being made through the CAA to privilege peoples of certain faiths while relegating another, Muslims, to a secondary status. Muslims and Christians have been experiencing a deep sense of vulnerability and insecurity with the rising tide of majoritarian nationalism in the country and actual violence perpetrated against minority communities particularly Muslims. Given this context we are also deeply concerned that the Act would be used, along with the National Register of Citizens, to render many Muslim citizens stateless due to inability to meet stringent birth or identity proof requirements

The CAA also unfairly disadvantages Muslim groups, such as Hazaras and Ahmadis who have historically faced persecution in Pakistan, Afghanistan and Bangladesh from seeking refuge in

India. It leaves out Sri Lankan Tamils who form the largest refugee group in India residing here for now almost three decades. The CAA also excludes the Rohingya Muslims, the “world’s most persecuted minorities,” from Myanmar with whom we share a border. The country needs a proper law on refugees and so we appeal to the government to develop a sustainable refugee policy that is non-discriminatory and compliant with international conventions, like the UN Refugee Convention, 1951 and the 1967 Protocol to which India is not signatory.

As citizens working with the poor and marginalized we are deeply concerned about how the NPR, which is the first step of NRC, and the proposed All-India NRC will affect many other groups at the margins of society. Because birth/identity proof and permanent residence documents remain the privilege of the moneyed and few, a significant percentage of the poor and marginalized, irrespective of faith, lack these documents leaving them out of government schemes. The poor are certain to become enmeshed in an interminable, costly bureaucratic exercise if their citizenship status comes under doubt under the NPR or NRC. The most affected will be women, children, landless labourers, the homeless, transgender persons, urban poor, Adivasis and Dalits. The NPR and NRC exercises will end up disenfranchising many!

Moreover, the vast powers vested in the bureaucracy at junior levels to include or exclude a person from the local register have the scope to unleash arbitrariness, discrimination and corruption. There is a possibility of abuse of power if decisions are restricted in the hands of few as has been witnessed in Assam. Since 2013, the State has been reeling under the impact of an ill-conceived NRC exercise. Apart from the huge material costs, the human costs have been immeasurable. Suicides, families torn apart, detention camps and foreigners tribunals; fear and spectre of statelessness – this is what ordinary people, especially women, children, the poor and minorities have had to suffer and continue to suffer.

Finally, we believe that the NPR and the NRC are unnecessary and wasteful exercises that will cause hardship to the public at large and entail public expenditure that is better spent on schemes benefiting the poor and disadvantaged sections of society. Based on the Assam experience it is estimated that a pan-India exercise could cost approximately 70,000 crore. This is at a time when the economy is at a 45-year low and unemployment levels at an all-time high. This money could be better spent to improve access to quality education, provide universal health care; strengthen food security, create jobs, promote gender justice and end caste-based discrimination. We are aware that the government is committed to achieving the 17 Sustainable Development Goals (SDGs) and the 169 associated targets, which comprehensively cover social, economic, and environmental dimensions of development and focus on ending poverty in all its forms and dimensions. The CAA, NPR and NRC will take away precious resources required for the successful, just, rights-based implementation of the SDGs. They will also cause division and disharmony in society, reversing gains made towards the Goals thus far.

We reiterate our opposition to CAA, NPR and NRC and express our solidarity with all those engaging in peaceful protests and other forms of nonviolent resistance across the length and breadth of the country to preserve an idea of India based on Constitutional values and principles. We condemn the use of violence and brute force by the police against students and others engaged in peaceful demonstrations in different parts of the country. We commit ourselves to sustained support for these values and principles - in our communities, congregations, and amongst the people with whom we work - and continued contribution to the common good of a strong, vibrant, inclusive, democratic, just, and secular India.