

REFUGEE CRISIS IN INDIA AND CAA

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INTRODUCTION-

¹India is a home to 1,95,105 refugees as of 2019 reports by the World Bank. ²According to UNSC reports, India is a home to more than 2 lakh refugees, consisting of nearly 1.75 lakh Tibetans and Sri Lankan refugees and 33,558 refugees and asylum-seekers from India's non neighboring countries and Myanmar, which are registered and protected by UNHCR under its mandate. One of our topics here will be to discuss the exact situation of Refugees in India.

In October 2019, a Bill was passed in the Indian Parliament and became an act which was called the CAA which stands for the Citizenship Amendment Act. What exactly was this Act and why was it in so much controversy for so long time? Herein we will try to analyze and take a comprehensive look into it.

PURPOSE OF STUDY:

The main purpose of this study, as there are 2 topics which we will be covering is firstly to throw a light on the exact situations which the refugees are facing currently in India. And secondly to analyze and understand the necessity, impact and truth based upon facts and figures of the Citizenship Amendment Act, 2019 also known as CAA.

OBJECTIVE:

The main objectives of this study are-

- To take a closer look on the history of Refugees in India starting from 1947
- To analyze the rules and provisions the government has for them, currently?

¹ https://data.worldbank.org/indicator/SM.POP.REFG?locations=IN&most_recent_value_desc=false

² https://www.upr-info.org/sites/default/files/document/india/session_27_-_may_2017/unhcr_upr27_ind_e.pdf

- What are the challenges and difficulties faced by the Refugees in India?

And To understand that-

- Why were the people of Assam and the North-East angry and frightened by the CAA?
- Why were Muslims including those who already had Indian Citizenship frightened from this Act?
- What is NRC& NPR and why is it being linked with CAA?
- Why was there so much public outrage for this Act?
- When, where and how did the protests happened for it and how did the results turn out for the same?
- And finally, what exactly will the impact of this Act be on India's economy, resources, politics and most importantly people?

LITERATURE REVIEW:

There are hundreds of resources which can be found online as well as offline which deals with the particular topic of Refugee Crisis in India and even more can be found out for the topic of CAA. Then why read this research paper? The primary reason for that can be that no particular article available online covers everything important related in just one study. Every finding available online has dealt with one particular issue in its depth but not much efforts have been made to see the picture in its entirety. Although multiple books may exist on the same but in today's times its time saving and efficient to read a research paper or a short study instead of reading a whole say 300-page book. Also, an in-depth analysis of the ground situation of the concerning areas is guaranteed to the reader. There are multiple resources available online as well as offline but most of them have tried to cover the past and few of them have shown that how it has affected the present but it's rare to find the resources which also analyses that how can the given issues affect the future if things go on like they are going now, this study will try to go

one step further in its approach by connecting the past, present and the future of India's refugee situation as well as of the Citizenship Amendment Act and will try to give an enriching experience to the reader.

METHODOLOGY:

Majority of the research done in this study tends to be exploratory in nature. The research is an exploratory study which tries to analyze the issues and their consequences of the particular topics of the study. In light of COVID-19 pandemic, the research has been conducted at home by analyzing and reading various different government reports, articles, blogs and by watching several interviews of the concerned personalities. The major study participants whom the study will be covering are the people of Assam, already present refugees in India and the protestors of CAA across the nation. The statistical data is collected from various news articles, government reports, from the reports by the United Nations and its agencies and from many different international institutions. The data sampling done in the study is a mix of simple and stratified data samples at different instances.

STUDY FINDINGS:

For the purpose of better reading the study has been divided into various subheadings.

a) Refugee Crisis in India-

- **A Brief Introduction-** ³According to 1951 Refugee Convention, a Refugee is “A person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, unwilling to avail himself of the protection of that country.” India has been a regular host of refugees since its foundation. Even though there are more than 2 lakh refugees in the country, ⁴the country still is not a signatory to the United Nations Refugee Convention of 1951 or to the 1967 Protocol of the United Nations High Commissioner for Refugees (UNHCR) which protects refugee rights, ⁵which has almost 140 countries as its signatories, but still the country has served as a home to the largest refugee

³ <http://www.worldlii.org/int/journals/ISILYBIHRL/2001/7.html#:~:text=2%20of%20the%201951%20Convention,such%20fear%2C%20unwilling%20to%20avail>

⁴ <https://www.refworld.org/country,COI,UNHCR,COUNTRYREP,IND,,591971124,0.html>

⁵ <https://www.livemint.com/Sundayapp/clQnX60MIR2LhCitpMmMWO/Indias-refugee-saga-from-1947-to-2017.html>

population in South Asia.⁶ According to the UN Refugee Agency (UNHCR), people have come from countries around the world in India to seek refuge which includes people from Afghanistan, Bangladesh, Myanmar, Eritrea, Iran, Iraq, Tibet, Sri Lanka, Nepal and many more nations.⁷ India has hosted refugees from Tibet since 1959; Chakma's, a Buddhist ethnic minority from the former East Pakistan, since 1963; refugees from Bangladesh since 1971, and refugees from Sri Lanka since 1983, 1989 and 1995 due to the civil war in Sri Lanka. From Afghanistan since the 1980s and Myanmar's instability of the 1990s prompted further refugee population in India. Despite this, India does not have any national refugee protection legislation in place and also it hasn't officially been disclosed that why there is no policy. Many reasons have been attributed for this particular stance of India towards the 1951 convention and the 1967 protocol, one of them was that the 1951 Convention, in its original form, was only applicable to people who had fled a state-sponsored (or state-supported) persecution. The Partition of India in 1947 and the migration which preceded as well as followed it, while within the Convention's timeline, did not fall into the category of 'state-supported/state-sponsored persecution'. People who had migrated were forced to do so due to 'social persecution' instead of 'state-sponsored persecution' or 'war'. These subsequent concerns of both India and Pakistan to ascribe a more liberal meaning to the term 'refugee' in order to include internally displaced people or those displaced due to social rifts was rejected at the international level. This created an overall skepticism towards the 1951 Refugee Convention.⁸ Another reason attributed was the international community's response to its call for assistance (especially of the UN) while dealing with lakhs of people who had arrived in India after fleeing from Bangladesh after the 1971 war, which left India unaided, alone and provided very little help while dealing with the mass number of refugees. Time and time again, International community seemed to have failed or be biased in their decisions towards India and this can be the reason of India's overall distrust towards the International

⁶ <https://reporting.unhcr.org/india#:~:text=In%202019%2C%20India%20will%20be,mostly%20residing%20in%20Urban%20areas.>

⁷ https://www.fairobserver.com/region/central_south_asia/refugees-rights-india-south-asian-world-news-headlines-97021/

⁸ <https://theprint.in/opinion/why-india-is-home-to-millions-of-refugees-but-doesnt-have-a-policy-for-them/341301/>

community, while dealing with critical internal matters such as that of refugees. Despite all this, India has a long-standing tradition of hosting refugees and the Government largely respects the principle of non-refoulement.⁹The Passport (Entry of India) Act, 1920; The Registration of Foreigners Act, 1939; The Indian Foreigners Act, 1946; The Foreigners Order, 1948; The Passport Act, 1967 are all the acts which applies to all classes of non-nationals, including refugees and asylum-seekers, and refugee policy is determined on an ad hoc basis. And India still continues to be the largest home for refugees in South-East Asia.

- **Status of Refugees in India-** Most *legal refugees* (not synonymous with *illegal immigrants*) are Indic-religion minorities who fled prosecution from other countries after India gained its Independence in 1947, these people are not included in this definition. Also, existing Indians who came from a pre-independence migration in India also aren't included in this list. The population concerned with this list are those people who have migrated to India after the partition of India.¹⁰The most significant thing which deserves to be noted here is that, there has not been a single occasion of any refugee originating from the Indian soil except the transboundary movement of the people during the partition of the country in 1947 until 1971 war for Bangladesh's liberation. Often times, the South Asian sub-continent has witnessed situations where refugees from one or the other neighboring countries have crossed over to India. This can be attributed to India's less rigidity towards the refugee situation as compared to the other countries and also to the availability of employment opportunities due to India's bigger terrain for non-skilled labor work, which most of the refugees find themselves in after migrating. Challenges which refugees often face after coming to India are discrimination, finding accommodation and lack of employment opportunities available to them. Safety of women and their children becomes a big issue, since most of the times they don't even feel safe in their homes.¹¹Most of these refugees have been living in unauthorized makeshift camps and rented houses inside

⁹ <https://indianexpress.com/article/india/rohingya-muslims-refugee-myanmar-india-bangladesh-4843379/>

¹⁰ <http://www.worldlii.org/int/journals/ISILYBIHRL/2001/7.html#:~:text=2%20of%20the%201951%20Conventi%20on,such%20fear%2C%20unwilling%20to%20avail>

¹¹ *Supra Note 7*

and around the region of NCR. Often times they have to bear the hostile behavior of the local population police and the government. The government in many instances deports them against their will. The Indian government does not officially recognize these refugees, but it allows the UNHCR to extend de facto protection to those who do not receive recognition under Indian law, including the Muslim refugees.

Current Situation of Refugees in India- The year of 2019 saw major developments in India; first being the abrogation of special status of Jammu and Kashmir by the removal of Article 370 and Article 35-A from the Indian Constitution, followed by its division into 2 Union territories namely Jammu& Kashmir and Ladakh. The latter half of 2019 also witnessed passing of a very controversial bill into an act namely the CAA (Citizenship Amendment Act, 2019), which we will discuss in the second half of the study. Also, the final release of the National Register of Citizens in the state of Assam was observed, in which nearly 1.9 million people were found to be excluded from the list which potentially put them at the risk of statelessness. Also, the situation of Rohingya Refugees got worse as the Home Minister Amit Shah in his speech to the Parliament, clearly stated that India will not be accepting Rohingya Refugees as they haven't come to the country legally, this caused most of them to go back to Myanmar. By the end of 2019, UNHCR had registered some 40000 people of concern which included 27,700 refugees and 12,300 asylum seekers. Among these people, Rohingya refugees constitutes the largest group, contributing to nearly 60% of the overall list, these were followed by the Afghans which constituted 27%. Almost half of all the people who were registered in India lived in the location outside of Delhi, surrounding the NCR region. India still continues to be a host of nearly 59,400 Sri Lankan refugees, who have been living in government managed camps and an additional of 34,300 refugees, who continue to live outside those camps which are spread across the India but primarily present in the South India. UNHCR does not intent to register these refugees but instead they have chosen the course of working with the Indian as well as Sri Lankan governments to enable voluntarily return for those refugees who seek it. This can be accounted from their action of assisting nearly 1,000 Sri Lankans to return home. They also assisted 1,000 more refugees of other nationalities to find long-lasting solutions through relocation and complementary pathways which

facilitates their spontaneous return or naturalization.¹² There have been many achievements by the UNHCR, which included meeting of many specific goals for the refugee assistance and care. These included-

- Introduction of a free helpline for the purposes of protection, assistance and information to strengthen their position and access to basic human facilities.
- Children's access to national education systems was increased from 50% to 55% by the UNHCR, it also ensured that 80% of concerned people had access to the healthcare.
- Through UNHCR's livelihood strategies and access to the markets via the "MADE51" program, the UNHCR was able to help the refugee social enterprises in the country, as the enterprises earned an overall income of 11.9 million INR.
- UNHCR also engaged with a variety of stakeholders which included civil society, academia, NGO's and the United Nations country team through lectures and round table conferences. This all was done to raise awareness and strengthen advocacy for the issue of statelessness.

But as we say, everything has its both good and bad sides. In this situation too, there are many needs which are still unmet and aren't being acted upon. These included-

- Rohingya refugees still continues to live in unsanitary, often inaccessible and undesirable conditions.
- Limitation of financial and human resources resulted in a long waiting period of over 300 days between asylum-seekers being interviewed and getting notification of first order decisions.
- More than 1,000 refugees and asylum-seekers were denied of education, health care, skills development, labor market facilities and child protection interventions due to limitations of funding's.

These situations still continue to exist in India for the refugees and the story of refugees in India can neither be described as white nor as black, instead it is grey having its equal shares of desirable and undesirable instances. Although the situations are getting better day by day

¹² *Supra Note 6*

due to more and more involvement of Human Rights activists, NGO's, Think Tanks and due to many legislations, which are being brought frequently for their welfare and betterment. There is still a lot left to be done, to tackle their problems as well as the problems of our developing nation.

b) CAA-

A Brief Introduction-¹³A bill was passed in the India parliament on 11th December 2019 which was called the Citizenship Amendment Act, 2019 popularly known as CAA. Following the passing of the bill by the parliament, widespread protests, marches and violence began to occur in the Indian subcontinent. What was so special about this bill and why was it being considered inappropriate and bad by the people of India? What is the history of this bill and everything concerning it? What provisions does this bill deal with? Who exactly is this bill for? What were the people of India protesting for? Why were India Muslims afraid of the bill when it was clearly stated by the central government that Indian Muslims have nothing to fear about this as this bill isn't for them? How did the protest turn out to be in North India and the various North- Indian universities? Why were the people of Assam and North-East protesting? What were their issues and why were they afraid of this bill? What mistakes did the central government make after the passing of this bill according to the masses? What is the linkage of this bill to NRC?

Just like the questions addressed above, hundreds and hundreds more of such questions arise, if we were to raise the topic of the recent Citizenship Amendment Act of 2019. It was perhaps the first time in the independent India's political history. The protest against the Citizenship (Amendment) Act (CAA), 2019 was spread to almost every corner of the country, yet the reasons for the protest varied with the geography. The scope of CAA is too wide and it would be unjustified for such a wide topic for it to be dealt in this paper if we were to study it truly and completely. This can be accounted from the fact that it stayed at the center point of Indian politics and for various debates, discussions and in the news across the vast

¹³ <https://timesofindia.indiatimes.com/india/what-is-cao/articleshow/73153785.cms>

lands of India for more than 3 months until India was hit Corona Virus in March 2020. Despite its vast scope, we will try to see and analyze as complete as possible of the picture of its most important issues in this study.

What is CAA- ¹⁴The Citizenship Amendment Act of 2019 seeks to amend the definition of illegal immigrant for Hindu, Sikh, Parsi, Buddhist and Christian immigrants from Pakistan, Afghanistan and Bangladesh, who have lived in India without documentation. They will be granted fast track Indian citizenship in six years. So far 12 years of residence has been the standard eligibility requirement for citizenship and naturalization. ¹⁵According to the CAA; Hindu, Christian, Buddhist, Jain, Sikh and Parsi migrants who have entered India illegally-that is, without a visa- on or before December 31, 2014 from the Muslim-majority countries of Pakistan, Afghanistan and Bangladesh and have stayed in the country for five years, are eligible to apply for Indian citizenship. It stated that those refugees 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. Muslims were specifically not included in the ambit of this act as they did not belong to religious minorities in those 3 nations. This act was passed for the welfare of the refugees who have come to India because of facing prosecution due to them being a religious minority in the countries of Pakistan, Afghanistan and Bangladesh.

- **Union Government's Arguments-** The government had the stance that, these six religious minorities are often persecuted and are the very least or almost not represented in the power centers of these countries. That the provisions within the Act provided the criteria of reasonable classification that allows formation of a group. They argued that this does not violates the Equality

¹⁴ <https://economictimes.indiatimes.com/news/et-explains/citizenship-amendment-bill-what-does-it-do-and-why-is-it-seen-as-a-problem/articleshow/72436995.cms>

¹⁵ <https://www.indiatoday.in/india-today-insight/story/a-future-ready-civil-service-1718340-2020-09-03>

provided by the Constitution of India under its Article 14 as if that were so then there wouldn't have been any special rights for Dalits, people from backward castes and other religious minorities. The practice of reasonable classification can be found even in the most important legal document of India, which is the Indian Constitution for the upliftment of the underprivileged and weaker sections of the society. Also, they claim that the CAA doesn't take away any rights of Indian Muslims in any way. Important thing to understand is that, Article 11 of Indian constitution mandates Parliament to regulate the right of citizenship. The Union government claims that people of these six faiths have faced persecution in these three Islamic countries, Muslims haven't. ¹⁶There were also, arguments of persecution faced by Shia Muslims, ex-Muslim atheists, Sufis, and Ahmadiyya Muslims at the hands of the Sunni Muslim majority community as these communities belonged to the minorities in Pakistan. In fact, Pakistan passed a law in 1974 declaring the Ahmadiyya's as non-Muslims. This issue was tackled by the government by counter-arguing that this Act particularly is only for religious minorities and not for different sects of minorities within a particular religion. One more argument was that these persecutions are mainly for ethnic or political reasons, not necessarily religious, which is the purview of the CAA. The fact which they consistently put forward was that how much tolerant India was while dealing with the minorities and how this was not the same for minorities in those 3 mentioned nations. Statistics and historical agreements were used immensely by the Home Minister Amit Shah in his speech to Lok Sabha. He stated that how India has respected the ¹⁷Nehru-Liaquat agreement which was signed between the 2 countries on 8th April 1950, in which "governments of both India and Pakistan ensured that the minority rights of respective minorities will be protected in both the countries and that there will be complete equality of citizenship, irrespective of religion and a full sense of security in respect of life, culture, property and personal honor. That there will be freedom of movement, occupation, speech and worship, subject to law

¹⁶ <https://www.thehinducentre.com/the-arena/current-issues/article30789891.ece>

¹⁷ <https://mea.gov.in/Portal/LegalTreatiesDoc/PA50B1228.pdf>

and morality.” He stated that how Pakistan (both East Pakistan and West Pakistan at the time of agreement) has consistently not respected this agreement and how it has been continuously oppressing its minority since partition till this date. This all can be accounted from many instances throughout the history, certain examples being-

1. ¹⁸At the time of the outbreak of the 1965 Indo-Pakistani war, Pakistan passed the Defense of Pakistan Ordinance and later the Enemy Property (Custody and Registration) Order II, under which Hindus were labeled as the enemy and as a result their property was expropriated by the state.
 2. A mass exodus in 1971 that forced minorities to flee from these states.
 3. Regular harassment that include forced conversions, blasphemy rules, and rapes of Hindus, Buddhists, Christians, Persians and Chakma minorities by the Muslims of these Muslim-majority states.
 4. ¹⁹Children of minority communities are often bullied in their schools and many girls and also boys are sexually harassed by others.
 5. ²⁰Desire of millions of Pakistanis Hindus to leave Pakistan and come to India, cannot be for no particular reason.
- Also there has been a similar situation in ²¹Afghanistan as the Hindus and Sikh population have reportedly shrunken from approximately a number of 7,00,000 to 7,000 now. Also, the kidnappings of Hindus and Sikhs has become common for even slightest display of their faith. ²²Regarding the issues of the Rohingya Refugees the government made it clear that, they won't be accepted by India as they possess a threat to national security as one must not forget that India has to firstly look forward

¹⁸ <https://asiatimes.com/2019/12/yes-cao-is-discriminatory-against-extremists/>

¹⁹ <https://www.bbc.com/news/world-asia-india-34645370>

²⁰ *Ibid*

²¹ <https://www.aljazeera.com/indepth/features/2016/12/decline-afghanistan-hindu-sikh-communities-161225082540860.html>

²²

for its own citizens and that by accepting Rohingya Refugees, the country will get in between of the arguments of Myanmar and Bangladesh over the Rohingya origin issue. That's why even the Rohingya Hindus are not included in the ambit of CAA who themselves are trapped between the ²³Myanmar army and Muslim extremists. All of these arguments therefore the government says that India has moral obligation to provide the shelter to religious minorities in these 3 countries and not to the Muslims. The government argues that this being a time-bound provision to provide relief to immigrants who have suffered in Islamic countries. The question of not providing relief to refugees from other nations does not apply here as this provision is specifically drafted for the people who have faced persecution in the 3 countries which are mentioned in the Act, to grant relaxation to other refugees will therefore be within the ambit of any other Act and not this Act. If anyone apart from those given special relief in this act wishes to apply for Indian citizenship, they can apply through standard procedure and CAA won't be altering the present naturalization policy regarding citizenship. India has, from time to time, provided its citizenship to immigrants of all religions from different countries. Sri Lankan Tamils were given citizenship in the 1970s and 1980s and during the course of last 6 years, many Afghans, Pakistanis and Bangladeshis who had applied for the citizenship have been granted the citizenship of India by the way of naturalization and hundreds of other examples can be cited where India has helped and accepted the refugees many a times on its own economic cost. Hence, India's legitimacy regarding providing of facilities to its refugees can't be challenged. The Union governments primarily logic still remains that Hindu migrants have only India to fall back onto while Muslim migrants have several Islamic countries to seek shelter in. The government made certain provisions for most of the North-Eastern states in which the states of Manipur, Nagaland, Arunachal Pradesh, and Mizoram got exclusion from the Act due to ²⁴Inner Line Permit (ILP), which is basically a law which under which no citizen from outside the states covering it can visit the state for more than a specified time period and also cannot settle or stay there. It is presently enacted for the states of Arunachal Pradesh, Mizoram and Nagaland and the Home minister Amit Shah promised that it

²³ <https://asiatimes.com/2019/12/indias-citizenship-act-is-not-discriminatory/>

²⁴ <https://www.deccanherald.com/national/how-is-inner-line-permit-related-to-caa-805813.html>

will also be implemented for the state of Manipur. The problem here arises for the state of Assam, Meghalaya and Tripura which share borders with Bangladesh. The most concerned region still being Assam as most of the refugees migrated from Bangladesh came to Assam only and very little constitutional provisions exist for exclusion of Assam from the CAA which is not the case for the latter 2 states. The Union government mostly has a backfoot stance on the issue of CAA in Assam and the North- East and mostly tries to remain silent about it.

- **Protestors Arguments-** The protestors of this Act are broadly protesting for 2 issues, mainly they are the Issue of Secularism and the Issue of Assam and the North-East. Let us first look at the arguments for the issue of secularism.

a. Issue of Secularism and Equality- Many protests and marches have happened in the Northern region of India which were done for challenging the perceived non-secular notion of this act which is supposed to be fundamentally against the Indian constitution, which guarantees its people a secular state. ²⁵ Arguments were made stating that the Act wasn't congruent with the spirit of the Indian constitution as nowhere does the constitution grant citizenship based on the religion. And that no provisions of the Citizenship Act of 1955 (which was the original Act) mentioned religion either for granting citizenship or for its withdrawal. Nether for the process of granting of citizenship by registration nor for the process of naturalization was ever before influenced by religion. The Constitution also accords special treatment to the minorities as part of its equality code and Muslims, who are in minority in India are in fear because of this Act was stated explicitly. Former Finance Minister P. Chidambaram even ²⁶ referred to this act as 'sinister and mischievous plan to divide the country and was part of the Rashtriya Swayamsevak Sangh (RSS) and Bhartiya Janta Party (BJP) joint effort to push

²⁵ <https://thewire.in/law/caa-religious-persecution-secularism-constitution>

²⁶ <https://www.thehindu.com/news/national/national-register-of-citizens-is-a-mischievous-plan-to-divide-india-says-chidambaram/article30495158.ece#!>

its agenda of Hindu Rashtra.’ Chief Minister of Kerala Mr. Pinarayi Vijayan was also one of the strongest critics of the Act, he stated three reasons; it is against the spirit of the constitution, it is highly discriminatory and violative of human rights and that it imposes RSS’s philosophy of Hindu Rashtra. The protestors argue that, the specific inclusion of Afghanistan furthers these anti-Muslim narratives as Afghanistan not being a part of British India, yet it got included. Myanmar being a part of British India pre-1935, yet got excluded so that persecution by the Buddhists does not dilute the anti-Muslim narrative. The protestors were arguing as to why exactly the Shiites, Hazaras, Balochs, Ahmadiyas who actually form a minority within the religion of Islam in Pakistan’s territory have not been included in the Act. And that why countries like Sri Lanka and Myanmar where religious persecution of Tamils and Rohingyas Muslims, Hindus respectively takes place have not been included in the ambit of the Act. The discriminatory nature of the Act was the main issue of concern for most of the protestors for this issue. That the Act is a challenge to India’s secular and democratic foundations. By introducing religion as a criterion for the grant of Indian citizenship and effectively identifying only one religion as a persecutor, the CAA has set the stage for India’s transformation into a majoritarian state.

- b. Issue of Assam and the Northeast-** The issues of Assam and the North-East are much different than the rest of the country regarding CAA. Their issues as stated by many eminent scholars are the most important issues which need to be dealt with regarding CAA. Their fight is to protect their sense of identity and livelihoods from the illegal immigrants from Bangladesh who have been entering in their state primarily since the 1971 War. Their issues are to prevent their culture, land, resources and the jobs which should rightfully belong to them. It wouldn’t be wrong to say that the issue of Assam should be of primary importance when talking about CAA and NRC, as it is a very fundamental issue of protection of identity and livelihood unlike the issue of secularism, which was mainly used for political purposes.

- **Historical Background-** The roots of this issue can be dated back to the time of 2 events, they being the partition of India in 1947 and the second being the 1971 War For liberation of Bangladesh from Pakistan, the latter having more significant impact in the whole problem. In both these events majority influx of the immigrant population was observed from the region of Bangladesh to the Indian state of Assam. Since there was no framework to deal with these refugees present for a long time, and since most of the refugees came to the state of Assam, violence in the state of Assam started increasing. The historical roots of agitation of people of Assam towards the Bengali people can be dated even back. In 1826 when, the erstwhile Ahom kingdom, which was then under Burmese rule, fell to the British East India Company after the First Anglo-Burmese War of 1824-26. And Assam was forced to entered the British domains as part of Bengal and ²⁷Bengali was introduced as the official language of Assam in 1838 by the colonial rulers and it was in 1873 that an order from Lieutenant Governor ensured that Assamese language be used in judicial and revenue proceedings. Anxieties about being dominated or overrun by Bengalis have been arguably the single greatest factor in the politics of Assam, and of at least two other North-East states Tripura and Meghalaya for decades. As a result of these political motivations, vast number of protests, marches and crimes were observed in the state of Assam against the continuously coming Bengali/Bangladeshi refugee population in the state. To tackle this issue ²⁸Assam Accord was signed on 14th August 1985 under Prime Minister Rajiv Gandhi, according to Clause 5.8 of the Assam Accord which set 25th March 1971 as the date after which “any refugees coming to the state of Assam shall continue to be detected, deleted and expelled in accordance with law.” The Accord should have brought peace and stability to the region but it never got implemented. It was a lie in the form of a promise given to the people of Assam by the then Rajiv Gandhi government and subsequent governments which followed it never took necessary steps for its proper implementation. And recently the passing of CAA by the present Modi Government was a major violation of the Accord as per the

²⁷ <https://economictimes.indiatimes.com/news/politics-and-nation/caa-protests-in-assam-why-it-is-different-from-the-rest-of-the-country/articleshow/72844673.cms?from=mdr>

²⁸ <https://assamaccord.assam.gov.in/portlets/assam-accord-and-its-clauses>

Assamese people. Only 7 of the 33 districts of Assam were excluded from the Act and the districts which were included in the Act were most of the populous regions of Assam. The Assamese people demands continuously for their state's inclusion in the ILP. With the arrival of COVID-19 pandemic and avoidance of any public gatherings and protests, it will be hard to say whether or not the people of Assam and the North-East be able to get justice in the issue of CAA.

Protests Observed in the Country-

The country's people were a ²⁹witness to a series of protests, on 14th December (after 2 days of authorization of bill into Act) huge protests occurred near Jantar Mantar in New Delhi, on 15th December 2019 the most controversial thing happened regarding the protests as the police entered in Jamia Milia University campus in New Delhi without permission where a large gathering of students were protesting against the Act and attacked the students brutally with tear gas and batons, more than 100 students were detained and more than 200 students were injured severely.³⁰ A team which went there to investigate found injured broken locks, empty tear-gas shells, broken windows and furniture, blood on the floor, among many other visible signs of the destruction of that night. This act by the police created a nationwide havoc which resulted in series of violent protests across the nation.³¹ Many experts have opined that any decision by the Indian government to grant refugee or asylum status cannot be isolated from its international responsibility under the Universal Declaration of Human Rights, the Convention on the Reduction of Statelessness, and the Convention on the Rights of the Child (of which India is a signatory). These international regimes coupled with the guidelines under the Constitution make it necessary for India to adopt a refugee policy that is non-discriminatory and includes everyone who has faced persecution, despite their nationality, religion, gender or place of birth and CAA fails all these conditions. These protests almost continued till the end of February in the country. numerous students, protestors and policemen got killed in the clashes which occurred.

CONCLUSION & RECOMMENDATIONS:

²⁹ <https://aamjanata.com/event/withdraw-the-cab-protest-at-jantar-mantar-on-14th-dec/>

³⁰ <https://thewire.in/government/jamia-police-attack-report>

³¹ *Supra Note 8*

CAA is probably the most controversial and diverse Act in the 21st century for India. It was a very big step to be taken by any government till now. Even many books won't be able to do justice with this issue in terms of covering it completely, yet an attempt was made here to cover its most crucial and important elements of this issue. The issue of secularism and equality in my opinion is a type of issue which had got more focus for political purposes than it deserved. Most of the protestors in the protests of CAA in the mainland India didn't even know why they were protesting. The whole country was in a political crisis for an issue which actually wasn't wrong majorly, although the action of police against the protestors was something which can't be justified with and was wrong and unethical. No government has the right to deny people of their freedom of speech. The mass number of killings and injuries were something which could have been avoided, had government ensured a proper communication of the Acts true meaning with the citizens of the country. The exclusion of Muslims from CAA was not something of which Indian Muslims should have feared, but that wasn't the situation. Also, the government lacked in communicating clearly as to will CAA be the first step of NRC or not, exactly opposite statements were observed from the Prime Minister and the Home Minister regarding CAA and its link with NRC. The question as to what will be the provisions of NRC is yet not known but one thing is for sure that it will have been extremely costly and will have an undesirable journey, if it happens for overall India as we live in a country which lacks poorly in proper documentation. The whole issue of Assam and the North- East is an issue which is of a primary importance if we were to look into its seriousness and impact on the people of a whole ethnic origin, i.e. Assam. It is often not brought into the light by the media houses as there is a discriminatory attitude present in the actions of the majority Indians and Indian politics towards the people of North-East, who face constant lack of inclusion and bias from the people of mainland India. The Assam issue is where all the governments till now have gone wrong and it is the issue where proper planning and implementation should be prioritized and met with.³² While the rest of India has been protesting both the proposed NRC as well as the CAA, the protests in Assam and Meghalaya have been directed only against the CAA. You won't be able to observe a single protest against NRC in Assam, such desperate people are there to evict the illegal immigrants out of

32

<https://www.livemint.com/mint-lounge/features/focus-assam-s-complicated-tryst-with-cao-11577418654545.html>

there state.³³ All that the people of Assam want is to preserve their culture and native identity, there issues are way beyond Hindu-Muslims and religions. All that they want is to not become minority in their own state and get jobs and employment opportunities for their people. They are the ones who have built the state what it is. This not only applies to Assam but to the whole of North-East, their indigeneity is something which is worth preserving but which we Indians rarely seem to care about. The forces of separation of the North-East have been very less active in the last 20 years but this Act may fuel it once again. India is not complete without the North-East and only and only when we the Indians and the Indian politics change our attitude towards them and start caring for our North-East brothers and sisters and their issues, respect their culture and indigeneity, then and only then can a permanent solution to this problem can be achieved.



³³ *Ibid*