

Citizenship Amendment Act, 2019: a Naga Perspective



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Mosa Sangtam 16 December 2019 Updated 21 Dec 9928 views

How in a secular country like India, Religion could be made the basis for granting citizenship? The framers of our constitution has done their job with the best of their potential and aptitudes, Dr B R Ambedkar and his colleagues framed the constitution of the country with utmost sincerely, zealness, hard work and dedication. India, as a country inhabited by so many diverse cultures, different religious sects, Multi ethnic people and languages made it the biggest challenge before the members of the Constituent Assembly.

The Constitution guarantees to protect and preserve the interest of the minorities and that of the general population at large. The preamble of India speaks of the principle of sovereign, socialist, secularism and democratic republic, it secures justice, equality, liberty and fraternity, therefore the violation of any of these principles violates the basic structure of our constitution which has been well defined in *Keshavananda Bharti V. State of Kerala* by the Hon'ble Supreme Court of India.

"However good a constitution maybe, if those (rulers) who are implementing it are not good, it will prove to be bad. However bad a constitution maybe, if those implementing are good, it will prove to be good".

~Dr B R Ambedkar.

When India was finally free from the clutches of the colonial hands in 1947, it faced the darkest period in the history. In the same year India was divided into two; the Hindus and Muslims leaders supported the two nation theory which was originated in the mind of Hindu Nationalist Damodar Savarkar and then the same followed by Barrister Mohd Ali Jinnah and as a result Pakistan was created based on the communal and religious grounds, however, the fact is that Indian political Leaders never supported this theory and India remained secular. The partition left Indian Political Leaders and the masses in distressed and massive problems of Refugee rehabilitation started to crop up. Subsequently, many new Acts were passed to provide Citizenship to the immigrants for instance; Indian Citizenship Act of 1955 was enacted by the parliament to give legal effect to the provisions under article 11 of the Constitution of India, according to this Act, a person can acquire citizenship based on birth, descent, registration and naturalization. India followed the principle of 'Jus Sanguinius' it is a principle of Nationality Law by which citizenship is determined or acquired by the nationality or ethnicity of one or both parents. However, the recent 'amendment' in Citizenship Amendment Act 2019 is contradictory not only to the Citizenship Act 1955 but also ultra vires to the Constitution of India, the new provision of CAA provides illegal immigrants a 'Red Carpet Treatment' to get the status of an Indian citizenship through naturalization on grounds of religious persecution (there is no mention of the word religious persecution in the said provision) of the minorities, it includes Christian, Parsi, Hindus, Buddhists, Jains and Sikhs of the three neighbouring countries namely Pakistan, Bangladesh and Afghanistan. However, the motive behind this Act is not consistent, this bill does not protect all the religious persecuted minorities nor it is applicable to all the neighbours. The Ahmedia Muslims and Shias faces discrimination in Pakistan. The Rohingya Muslims and Hindus face persecution in Burma(Myanmar), the Christian Tamils and Hindu in Sri Lanka. US Congressman Andre Carson identified Citizenship Amendment Bill as 'Draconian' Bill which

attempts to reduce Muslims in India to second class citizens. Mr. A.K Abdul Momin, Foreign Minister of Bangladesh told Bengali service of BBC that religious persecution did not exist in Bangladesh. He also asserted that, 'we believe that religion is a personal affair but festivals belong to all'. This Act, as I understand as a student of Political Science, is a direct great threat to identity of the indigenous people of North East states of India. It has created total unrest and havoc and even lead to the loss of precious life in the North Eastern state of India particularly Assam. The new provisions made in CAB of 2019 which now has become an Act is discriminatory in nature and every right thinking citizens must condemn it. The entire NE region is going to be affected within no time. Since now CAA is in force, Nagaland, Manipur and Arunachal Pradesh which is under the protection of ILP (inner Line Permit) cannot escape from the impact of this Act, in fact, these protected states are not protected at all. Inner Line Permit is a BIG LEGAL ILLUSION. How can for e.g. Nagaland remain protected/unaffected when the neighbouring regions are flooded with legalized illegal Bangladeshi Immigrants who have been stealing lands and influencing local political dynamics, affecting cultural fabric and language since decades? I study in Dimapur, I live in Dimapur, I personally know that this city is infested with illegal Bangladeshi immigrants belong to both Hindu and Muslim religion. These millions of people who are living like Sleeper Cells in our region are waiting to become legalized citizen of India, no Naga can deny this fact who is familiar with the hidden demography of Dimapur and other parts of Nagaland including Frontier Eastern Nagaland.

The Bengal Eastern Frontier Regulation of 1873 implemented the ILP in tribal regions to protect the people from external socio, cultural, economic, political influences so that they would be able to protect their culture and traditions in their purest forms. The influx of illegal immigrants from neighbouring countries can be trace back since the time of partition. State of Nagaland comes under the purview of ILP however, from the past 6 decades the successive governments has not been able to execute the law stringently which therefore, as a result allowed the illegal immigrants to flourish in the state with much ease, without any accountability. The Inner Line Permit could be a very determining tool to regulate and control either the influx of illegal immigrants. However, ILP cannot use as a mechanism or weapon against this demonic Law laid down by CAA, Nagaland, a small state with hardly a population of 2 million(2011 census) will soon become the victim of illegal immigrants after some few years when the existing immigrants gets their full fledged rights under CAA. Within no time, Naga culture, Naga Identity, Naga Tradition, Naga Customs, Naga Land, will soon trace out from the history. If we don't voice out our rights then there will be a time when our generation will become and live like a refugee in our own land and for this our generation will never forgive us. I don't want Another Tripura in Northeast, I don't want my Nagaland turning into Tripura under any cost.

It is absolutely immaterial whether we grant Permanent Citizenship Certificate to ILP holders or not, they can very well settle and live in rental places / leased places for years without having to stay as an official resident/domiciled in our state. I don't see any reason to not to get scared or worry because these people gradually multiply themselves without becoming permanent residents of Nagaland and we have no mechanism whatsoever to stop them. I want to ask our representatives in the Parliament who voted in favour of Citizenship Amendment Bill, 2019 and State Legislative Assembly and also the President and office bearers of BJP Nagaland, what is your official take on this crazy legal betrayal that central government has done with us? We are talking about Freedom, Sovereignty, self-rule, Pan-Naga hoho and what not, however, in the context of Citizenship Amendment Act 2019 what I see is my culture and my roots have been brought under grave threat. As a student, scholar, thinker and member of the Naga society I have every right to worry about my future as a Sangtam in Nagaland, as a Naga in the northeast and finally as a free, legal citizen of Sovereign, Socialist, Secular, Republic of India.

We cannot afford to lose our identity, our motherland; our ancestors have fought for that. Naga people must wake up and join our NE brothers and sisters in their Constitutional fight for the survival as people. Naga people are no more uncivilized that aliens can come and do whatever they wish to do. It is not the time to rest my dear brothers and sisters, if we cannot initiate our protest which is our Constitutional Right under Article 19 of the Constitution of India and fight now, then one day or some day, there will be nothing left to call 'ours'. In the words of Cornel West, "the aim of a constitutional democracy is to safeguard the right of the minority and avoid the tyranny of the majority".

Long Live Nagaland! Long Live Democracy!

Long Live India!

Kuknalim !

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BY MOSA SANGTAM

In the name of democracy

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