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BURNING QUESTIONS

ON THE CAA
AND THE NRC

The recently passed [Citizenship \(Amendment Act\)](#), 2019 (CAA) and the proposed All India National Register of Citizens (NRC) have raised many questions and concerns. These concerns have also turned into countrywide protests.

The Government has tried to provide some clarifications through the [Press Information Bureau \(PIB\)](#), over [Twitter](#) and other internet platforms. Unfortunately, many of these clarifications seem vague and lacking in detail and seem to be issued without legal authority. Also, nothing in these clarifications or the Prime Minister's address of December 22, 2019 sheds light on the finer details of how the CAA and the NRC would function, leaving several questions unanswered.

What effect does this mix of law and proposed policy really have? What is the impact of conducting an NRC exercise after the CAA? Why are people protesting against it?

Here, we hope to address these along with some other questions.

Is the CAA unconstitutional?



The Supreme Court is seized of the question and will decide it.

It is likely to be found unconstitutional. Laws passed by the Parliament are unconstitutional if they violate [the right to equality under our constitution](#), i.e. the right to be treated equally, which applies to citizens as well as non-citizens. Laws are unconstitutional if they treat people unequally, or are found to be arbitrary in nature. Not only is the CAA arbitrary but it also discriminates based on religion – something the Government/Parliament is not allowed to do.

How can one tell? Here's how.

The CAA only applies to three (Bangladesh, Pakistan and Afghanistan) out of our eight neighbours without any justification as to why. Even in these countries, it chooses six religious communities but leaves out many others. Most notably, it leaves out the Muslim and the Jewish communities. Both – the random choice of only three countries and six communities – violates the Constitution.

With respect to the decision of choosing three out of eight neighbouring countries:

- Many have argued that these are special because they were part of undivided India. Well, they were not. Afghanistan has never been part of undivided India
- Tellingly, only countries with Islam as the State/dominant religion are included while Sri Lanka and Bhutan who have Buddhism as their State religion are not. [Migration to India happens from all the other five neighbouring countries too](#). They have not been included.
- The qualification for CAA, “religious persecution” is not limited to Afghanistan, Pakistan and Bangladesh. It occurs in

other countries as well. Persecuted communities exist in China (Tibetan Buddhists, Uighur Muslims), Bhutan (Christians), Sri Lanka (Tamil Hindus) and Myanmar (Rohingya Muslims) as well.

With respect to the choice of only six communities (Hindu, Sikh, Buddhist, Jain, Parsis and Christian) but not of others:

- If the CAA's purpose is to protect religious minorities, no argument of the Government explains why the Jewish community is left out.
- Further, the Government says only these six communities are persecuted in these three randomly selected countries. That is simply not true. The Ahmadis, in particular, have historically been persecuted in all three countries – [Afghanistan](#), [Bangladesh](#) and [Pakistan](#). This is why India is best placed to offer them refuge. The Hazaras and the Shias (which are all Muslim communities) have also been persecuted on religious grounds in Pakistan. Of course, as we described above, several other communities including Muslims are persecuted elsewhere too.
- [The Constitution of Pakistan](#) explicitly declares Ahmadis as non-Muslims and not a sect within Islam. And we cannot use this as a reason not to recognize their religious persecution. Even a sect is a subset of a religion. Therefore, sectarian persecution is religious persecution inasmuch as the community is persecuted on account of their faith and beliefs. [In fact, the United Nations also classifies Ahmadis along with Hindus, Christian, Shias, Sikhs etc as groups facing religion-based persecution.](#)

Also, there is no justification why it is necessary to give [fast track citizenship](#) in 5 years to only these six communities from these three countries when there are others who [have been in India on proven grounds of religious persecution](#) but they'll have to wait for 11 years to become citizens.

Many of these abstract assumptions can be explained by the fact that the Government has admittedly not made these decisions on the basis of data (verifiable or otherwise). For instance, it presumes widespread religious persecution of the six communities in Pakistan, Bangladesh and Afghanistan with no data (Unstarred Question No. 2432, Rajya Sabha, March 23, 2017).

Instead, [the MEA clarified has recently as December 2019](#) that Afghanistan is treating its minorities satisfactorily. The Government has also admitted that it has no specific data about Bengali Hindus from Bangladesh or Pakistan who came to Assam on or before December 31, 2014. (Unstarred Question No. 875, Rajya Sabha, November 23, 2016).

When will the Supreme Court decide this issue?



More than 50 petitions have been filed in the Supreme Court against the CAA. Although the Supreme Court refused to stay the CAA, it has issued a notice to the Government asking for clarifications. [The Supreme Court has not decided on the CAA's validity yet and has asked the Government to clarify its position by January 22, 2020.](#)

The reason it has not asked for the CAA to be stopped is because the CAA has not come into force yet. The Supreme Court need not stay something that is not in force.

Also, simply because Parliament has passed the CAA, does not mean that it is constitutionally valid. Parliament passing a law does not always mean that the law is valid. We have an independent judiciary to decide the validity and legality of such laws.

***‘Parliament passing
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The Government assures us that no existing Indian citizens (including Muslims) are under threat. Yet people protest. Why?

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Despite the [Government's assurances](#), the fact is that the moment any State has a bad or questionable law in its arsenal, the citizens may be vulnerable to its potential misuse. That is obviously something that no citizen would want.

The CAA, on the face of it, does not apply to citizens. But that doesn't mean it won't affect citizens. Many of us, either do not have documentation to prove that we were born in India or that our parents were Indian; or that our parents moved to India in a manner that would prove that we are citizens. Some others may have lost their documentation in floods, riots or other calamities. This is where the CAA could affect citizens as well. When the All-India NRC comes into force, the Government will ask at least some of us to prove that we are citizens. Many Hindus and Muslims alike will not be able to provide documents to prove that they are citizens.

But here's the catch — migrants from the six notified communities will be covered by CAA if:

1. They came to India before 2015
2. They claim they came based on the fear of [religious persecution](#) (the proof required for this appears to be [very limited](#))
3. If the Government believes they are "[most likely to be connected to](#)" either Bangladesh, Pakistan or Afghanistan.

The CAA will then put them on a fast track to citizenship. However, if you're Muslim you either prove during the NRC process that you're a citizen or you're termed an illegal migrant. We don't know what will happen to those who are declared illegal migrants but we know that, at least in the Assam NRC, many people who were declared illegal migrants were sent to [detention centers](#) (a jail of sorts). That's why we are scared and rightly so.

The example of Assam clearly shows the deadly impact of the CAA-NRC combination. In the Assam NRC, 19 lakh persons were not able to provide documents to prove that they were living in Assam before 1971. Of these, 7 lakh were Muslims and the rest were mainly Bengali Hindus. After the CAA, Bengali Hindus who arrived in India till December 31, 2014 will get citizenship fairly easily while Muslims, who are not able to prove their residence through documents will be at the risk of being declared illegal immigrants. There is no explanation why immigrants from the same country (Bangladesh) who came to India for the same reasons (fleeing persecution) must be divided like this. [There are, of course, several sects such as Ahmadis that have been persecuted in Bangladesh as well which the CAA fails to protect.](#)

It is not unreasonable to think that Indian Muslims seem to be the only ones aggrieved right now, but this impacts everyone.

All the people / protestors want is that fair and reasonable criteria be applied to all immigrants / refugees / asylum seekers, without making their religions or nationalities arbitrary qualifications.

With or without the NRC, the CAA is still a divisive law. It suggests that,

- We, as a country, feel a higher obligation to protect only six religious communities that are persecuted elsewhere. We choose not to shelter other similarly placed persecuted communities like the Rohingya Muslims.
- India will differentiate between two sets of undocumented people based on their religion.

A secular state cannot make such differentiation.

The Government says that the CAA and All India NRC are unrelated. Why would they possibly lie?

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We don't know why would they lie. But as of now, an All India NRC seems inevitable – despite the Prime Minister's statement in his speech on December 22, 2019 calling a nationwide NRC [a product of](#) rumours, the official clarifications hosted by the Press Information Bureau admit that the [legal framework for this already exists](#). [Contrary to what the Government claims now](#), the [Home Minister was also very clear](#) about this as recently as October 2019 that [the CAA is the first step towards an NRC](#). He has also [repeatedly confirmed that the CAA and the NRC are linked](#).

It is clear that both will operate together in the country once the NRC is implemented nationwide. Further, since the NRC is based on the 2003 Rules to the Citizenship Act (1955) and the CAA is also based on the same law, they will certainly apply together.

Moreover, the link between the CAA and NRC is clearly established via the [National Population Register \(NPR\) which is already underway](#). The NPR collects information to form a database of Indian residents, as per the 2003 Citizenship Rules. Based on this, people of “doubtful citizenship” will be identified. Such ear-marked people will then be asked to prove that they are not illegal immigrants. The final NRC will then consist of all the people identified using the NPR except for those who are unable to prove that they are not illegal immigrants.

As of [December 24, 2019](#), the Cabinet has allocated over 8500 crore to update the National Population Register. The upcoming NPR exercise will require people to declare ‘date and place of birth of parents’ which was not asked in the earlier NPR. This new requirement holds significance in

the context of the proposed nationwide NRC inasmuch as it mirrors the requirements for citizenship under Section 3 of the Citizenship Act.

As per section 3 of the Citizenship Act, a person born in India after July 1, 1987 must prove the citizenship status of either one or both parents to get Indian citizenship. [This raises the concern](#) that the identical overlap between the requirements for citizenship under the Citizenship Act and the new requirement of the NPR goes on to credibly suggest that the NPR will form the basis of the future NRC – thereby establishing the link between the CAA and NRC.

However, since the NPR started getting attention as an underhand attempt at creating an NRC-like list with its arbitrary powers, [there are reports](#) that the NPR Notification has also been taken down from the government portal assigned to publication of all gazette notifications.

If Muslims can still enter India, and Indian Muslims can retain citizenship if they show necessary documentation, what is the fuss about?

5

The CAA is not a law that deals with regular entry or existing citizenship. However, it has many connected impacts that are not immediately visible.

This is what the Government needs to clarify in a clear manner. In a country like India, where [21% of the population lived in poverty until 2012](#), a lot of people will not have any documents despite having lived in India all their lives. Our answer to Question 3 above, explains the practical impact of this.

While all non-Muslims who arrived before 2015 in similar situations might not have to face any difficulty because they will likely be covered by the CAA, Muslims will. Since the nature and type of the required documents has not been decided, there is room for ambiguity as well as potential misuse. Once the CAA is enforced just on Government assurance, without an actual list of required documents having undergone parliamentary approval, the Government would be empowered with wide discretionary powers to decide what documents may or may not be required at this stage. Such assurance is vague and given the mandate of Parliament, as citizens, we cannot be satisfied until we get a confirmed list of required documents.

Such a list is important because there is no clear stance if even a [passport confirms citizenship](#).

The only example of the NRC exercise is the Assam NRC. Supposing this were to be the model nationwide, then the list of documents that were accepted in the Assam NRC might still be too hard for an entire class of people. Even if we consider only the [population below poverty line](#), most of them might not have any of the documents required to prove citizenship. The same holds true for people escaping discriminatory treatment in their home countries. Circumstances of escape don't always allow for documented travel.

The special status to the six communities protected under the CAA was first granted by the government in September 2015. The Ministry for Home Affairs issued a notification amending Rules for Entry into India and by issuing an Order to exempt members of the six communities to show valid documents including passport or other travel documents to gain shelter in India. All migrants who had entered the country before December 31st 2014, with or without valid documents could continue to find shelter in the country with legal protection of the government. If people have escaped from any of the three countries without valid documentation, how do they prove their religious affiliation? How many such people have we let in? And how many of them were genuinely in danger, and how many took advantage of the lax laws?

If these migrants entered our country looking for shelter, and if they were all escaping harsher conditions back home, by what rationale are we expediting the citizenship of a certain few and not of the others? There is no clarity to determine how one set of migrants contributed to the nation to deserve special treatment under the law.

The members of the six communities can also enter India via the documented route of the Long Term Visa (LTV). The LTV is issued for 5 years for any member of the six communities from any of the three countries. They can even declare their intention to gain Indian citizenship at the time of applying for the LTV. Living on the LTV, the migrants are allowed to rent homes, open bank accounts, and gain employment. With structured State support, these migrants can make a life for themselves in India for the 11 years before they can apply for citizenship through naturalisation.

If legal migrants are required to wait out the 11 year period, on what grounds are we offering illegal migrants the shortened period of five years? *The CAA discriminates amongst the same set of people, arriving in India for the same objectives. Therefore it is unconstitutional.*

What was the Assam NRC experience like?

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One of the many stories coming out of the Assam NRC exercise is people pointing out the pain and expense they had to go through to prove citizenship in court. Even if their exclusion was a matter of something [as trivial as a spelling error](#). There is no guarantee that this will not happen to others. There have also been instances in Assam, where non-Muslims have been excluded from the NRC. In fact, earlier this year, two army veterans who served in the Kargil war have been excluded from the NRC. While [one of these officers was Muslim](#), the [other was not](#).

Deploying [the NRC in Assam](#) alone [cost a whopping Rs.1,600 crores](#). It has also been reported that there are [only 200 tribunals](#), with [200 more on the way](#), to handle the claims of all the 19 lakh people who have been excluded. This means [each Tribunal will handle about 5,000 cases](#). In the meanwhile, the Government is setting up [massive detention camps to house the people who have been stripped off their citizenship](#) – some of which might include the [very workers who are building these detention camps](#).

We should note that the Prime Minister, in his December 22, 2019 speech has denied existence of these detention centers. However, the Ministry of Home Affairs has admitted to issuing instructions for setting up of detention centres in accordance with a “Model” circulated by the Government. (Lok Sabha Unstarred Question No. 3737 of 16 July 2019; Rajya Sabha Unstarred Question No. 1943 of 10 July 2019)

In addition to the fact that it discriminates, an All India NRC will cause exponential damage to our State infrastructure and resources.

If Muslim immigrants also come to India, won't they take our jobs?



By itself, the CAA only grants easier access to citizenship to illegal immigrants from six religions that came to India before December 31, 2014. There is no evidence to support that the addition of Muslim immigrants who already live in the country in this set of people will threaten anyone's jobs. Also, any such threat would be the same as that caused by a migrant belonging to any of the six religious communities protected by the CAA.

Pakistan treats Hindus poorly and China is horrible to Muslims. How are we doing anything wrong?

8

Our Constitution prohibits discrimination based on religion and unlike Pakistan which is an Islamic state, we don't have a State religion. The fact that we have more Hindus in India than people of any other religion does not make India a Hindu state. Our Constitution's Preamble famously begins with "We, the People..." and this "we" includes 200 million Muslims.

Pakistan's treatment of Hindus and China's treatment of Muslims are not actions we want to learn from or repeat. Injustice anywhere is a threat to justice everywhere.

After partition, India was supposed to be for Hindus and other non-Muslims. Why should we allow Muslims now instead of protecting these persecuted communities?



No, India was never supposed to be only for Hindus. India happens to be the country where majority of the Hindus live. However, it is not reserved as a Hindu domicile and it never was.

As far as protecting persecuted communities is concerned, the problem is bigger than just CAA.

Behind all these debates around CAA, there is a long standing parliamentary failure hiding. For years, India has failed to make any good law to protect refugees fleeing from anywhere. No government till date has tried to do this in a committed way. Nobody is opposed to helping persecuted Hindus, but, instead of having better immigration systems as a whole, we have just decided to grant a random exemption through the CAA. As a country looking to hold a leadership position in the world, we make ourselves look bad by making discriminatory laws. As nations [bound by international law](#), if someone is persecuted and seeking refuge, we cannot send them back to where they come from. And we can't pick and choose whom we send back, and whom we accept based on their religion.

So, if we want to abide by our duty to give shelter to people running from religious persecution, there is no reason to treat Muslims differently than the six other religious communities or to afford protection to communities from the three specified countries only.

If illegal Muslims are not given citizenship in India can't they just easily go back to where they came from? They are a majority in their country and should not face any problems. On the other hand, Hindus, Sikhs, Jains etc. are minorities there and if denied citizenship, they will have nowhere to go.

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Nobody can go back to where they came from if they are facing persecution. That is why they are seeking refuge. All 'host' countries have a duty not to send refugees back to the countries that are persecuting them.

Hindu, Sikh, Buddhist, Jain, Parsi and Christians are not the only minorities in these countries. The Ahmadis (also known as Ahmadiyyas) are a separate religious group who have been historically persecuted. The Ahmadis were declared as 'non-Muslims' by the Pakistan Constitution (Second Amendment) Act, 1974; and Section 298-C of the Pakistan Penal Code specifically bars Ahmadis from identifying themselves as Muslims. Ordinance XX passed in 1984 also targets Ahmadis for anti-Islamic acts.

[In fact, Ahmadis have also been persecuted in Afghanistan, so much so that in the 1920s affiliation with an Ahmadi became a capital offence.](#) Similarly, in Afghanistan, [the Shi'a Hazaras](#) are historically the most discriminated minority group.

If the [Government's claims of historical diversity among recipients of Indian citizenship are in fact true](#), such other persecuted minorities should not be subjected to a separate and slower procedure for obtaining citizenship.

Finally, there is nothing to support the claims that these countries will welcome Muslims and not welcome Hindus, Sikhs, Jains etc. Instead of simply believing these things, we should seek concrete, independent data from multiple, credible sources. [Days before the CAA was passed, Afghanistan gave citizenship to Hindu and Sikh refugees.](#) It may not be correct to say that Hindus have nowhere to go apart from India. In 2018, the Government itself noted that [the population of Hindus in Bangladesh rose by 2%](#). And in 2017, the then External Affairs Minister had also noted that the governments of both Afghanistan and Bangladesh had acted against attacks on minorities.

Since Muslims have committed several atrocities against Hindus in India, isn't the CAA justified in light of our national interest?

11

Such an argument only attacks the person who raises an issue or an idea. It does not address the issue itself.

Past actions cannot form the basis for religion-based measures in a secular country. This is certainly not in the nation's security, economic, or political interest. National interest must be guided by the principles enshrined in our Constitution, foremost amongst which are the principles of secularism and democracy.

The anti-CAA and anti-NRC protests came from Muslim universities with religious reservations. Can they protest and demand a secular law?

12

The Constitution of India [provides for minority educational institutions](#). The same Constitution grants [each citizen the freedom of speech and expression which includes the right to protest](#).

Universities like Jamia started peaceful protests but many others followed including the [Banaras Hindu University \(BHU\)](#), Varanasi and [Loyola College](#), Chennai. This has resulted in a [nationwide protest](#). None of the students at these universities were asked to protest and any statement from anyone to this effect should not be taken as gospel. Protestors are asserting their right to dissent under our Constitution. And everyone has that right, regardless of their religion.

‘Protestors are asserting their right to dissent under our Constitution. And everyone has that right; regardless of their religion.’

The Muslim population is rising in India while Hindu population is declining in Pakistan and Bangladesh. Shouldn't we control the number of Muslims?

13

A secular state should not control population based on religious identity.

A Government's responsibility is always to its electorate, which in a secular state includes all religions. How any external government might choose to deal with population issues should have no bearing on the decision of our government. As a major power in South Asia, India should be leading by example by being more inclusive. The CAA, by excluding Muslims specifically, seeks to do the exact opposite.

That apart, it is incorrect to say that Hindus in the neighbouring countries are declining in numbers. In 2018, the Government of India itself noted that the [population of Hindus in Bangladesh rose by 2% in 2017](#). In India, [population growth rate of Muslims shows decline between 1961-1971 to 1971-2011](#). In fact the [Muslim population growth rate is falling faster than that of Hindus and four out of five Indians will remain Hindus](#).

This points us to the larger problem with the CAA: that the law is not based on any study of fact or statistics. The Government has admitted that:

- It does not know the religion-wise breakup of citizenship applications it has received from the 6 religious communities covered under the CAA or maintain such religion-wise data (Unstarred Question No. 885, Rajya Sabha, July 25, 2018); and
- [The individuals claiming religious persecution and seeking Indian citizenship had entered India decades ago and it is not possible to verify their claim now.](#)

Why are there two different cut off dates and do they make things complicated?

14

For this, we need to read a little history. In 1972, when Bangladesh was just about a year old, around 98 lakh refugees came from there to India. In 1983, under the Indira Gandhi Government, tribunals were established to determine whether any person in Assam was an illegal immigrant from Bangladesh or not. The law that made this happen was called the Illegal Migrants (Determination by Tribunal) Act, 1983, but this only applied to Assam. The Act was passed to provide special protection against undue harassment of “minorities” in the Assam Agitation in 1983 but the people of Assam felt it made deportation of illegal immigrants difficult. The Act is also cited as one of the main factors for the rapid rise of the Muslim population and demographic change in Assam. [The Supreme Court, in 2005, struck this down and said that the continuous influx of migrants from Bangladesh is an ‘act of aggression.’](#)

Now, the Assamese NRC and the CAA (also applicable in Assam) seem to have different cut-off dates to determine citizenship. While the NRC has chosen March 24, 1971 as the cut-off date for people to prove their citizenship, the CAA requires Hindu, Sikh, Buddhist, Jain, Parsi and Christian migrants from Bangladesh, Pakistan and Afghanistan to show that they have resided in India for at least 5 years as of December 31, 2014.

While all this was happening, under [2 different notifications of September 7, 2015](#), the Ministry of Home Affairs notified amendments to the Passport Rules, 1950 and the Foreigners Order, 1948. Based on these notifications:

- December 31, 2014, was taken as the cut-off date.
- The requirement for a valid document or valid passport were relaxed for the six non-Muslim communities.

The effect of the notifications was that illegal migrants belonging to the six religions and three countries mentioned in the CAA would not be deported or imprisoned for being in India without valid documents. The Citizenship Bill was later introduced in the Parliament to make the same group of illegal migrants eligible for citizenship. The Bill relaxed the 11 year residency requirement (to acquire citizenship by naturalisation) to five years for persons belonging to the same six religions and three countries. However, it retained the cut-off date (of December 31, 2014) for granting citizenship.

No rationale was given to justify the date.

On what basis will citizenship be determined in the All India NRC exercise?

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No one knows what sort of documents will be required to verify citizenship.

But we know that the point of an NRC is to verify whether you meet the criteria to be a citizen. Let's consider, for instance, the criteria for obtaining citizenship by birth, as provided in the Citizenship Act:

- A person born in India on or after January 26, 1950 and before July 1, 1987 is automatically an Indian citizen by birth, regardless of the nationality of his/her parents.
- A person born in India on or after July 1, 1987 and before December 3, 2004 is considered an Indian citizen by birth if either of his/her parents are Indian citizens at the time of his/her birth.
- A person born in India after December 3, 2004 is considered an Indian citizen by birth if both his/her parents are Indian citizens at the time of his/her birth or if one of his/her parents is an Indian citizen and the other is not an illegal immigrant at the time of his/her birth.

Looking at the above criteria, all we can presume is that for people born after July 1, 1987 to obtain Indian citizenship, they would not only need to prove the fact that they were born in India but would also require to have documentation available at hand to show the citizenship status of their parent(s). We note that some [*Government sources have indicated*](#) that no one will be required to provide documents relating to the citizenship of their parents.

Such statements would appear to be erroneous because for those born after July 1, 1987, proof of birth in India alone would not suffice to verify citizenship, simply because birth in India would not suffice for one to attain citizenship. The catastrophic impact of this law would especially render [*India's 30 million orphaned children*](#) helpless!

We've only had NRC in one state - Assam. Admittedly, that was based on a different cut-off date and criteria. [In Assam, the following documents were used to prove citizenship:](#)

- Electoral roll(s)
- Land and tenancy records
- Citizenship certificate
- Permanent residential certificate
- Refugee registration certificate
- Any government issued license/certificate
- Government service/ employment certificate
- Bank or post office accounts
- Birth certificate
- State educational board or university educational certificate
- Court records/processes
- Passport
- Any LIC policy

In the event that the above documents were unavailable to any person, then the very same documents for that person's father or grandfather had to be produced, along with any of the following documents to establish their relationship with their father or grandfather:

- Birth certificate
- Electoral roll
- Ration card
- Board/University certificate
- Ban/LIC/Post office records
- Land Documents
- Village panchayat secretary certificate, in the case of married women.
- Any other legally accepted document

These documents might be easy to obtain and produce for the privileged class of the country. However, the disenfranchised and socially and economically weaker classes might not find it as easy to deliver such evidence of their citizenship. This is virtually impossible given their serious limitations.

It is also claimed that [persons without documentation](#) "may"

[be allowed to bring in community witnesses](#) to certify their claim to citizenship. Again, this ambiguous statement has no legal authority. Moreover, such provisions will still fail India's many banjara/gypsy communities and/or the displaced. The witnesses of these communities may not have documents themselves.

Ours is a poorly documented populace. An attempt at large to enforce an unplanned citizenship test will naturally aggrieve many.

An All India NRC will only aggravate the common man's struggles across religions and socio-economic strata. Insulated by our privilege, we cannot assume that the disenfranchised and under-represented classes of the country will be able to provide documentary proof.

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IN CONCLUSION

We would welcome a considered pause in the execution of the CAA and the proposed NRC.

We would appreciate the Government incorporating basic aspects of good policy making:

- consultation with civil society,
- detailed provisions on how the law will be implemented,
- detailed financial impact assessment,
- and most importantly, provisions which respect the principles of equality that our Constitution stands for