

# INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

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Volume 3 | Issue 1

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2020

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# Anti CAA Protest – The Machination!

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## ABSTRACT

*On 12 December 2019, the Government of India passed the most controversial Citizenship Amendment Act, with a clear majority in the Parliament. The act as amended by the BJP Government, inserted clause (b) to Section 2(1), which identifies “Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan, who entered into India on or before the 31st day of December, 2014 and 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” as legal migrants. Despite the ruling party’s assurance on various platforms that the amended Act in no way affect “Indian Muslims”, the passing of the Act created wide protests and agitations from north to south, east- west of the country. Protests began in the State of Assam, which consider that the amendment is in violation of the Assam Accord. Major hotspots for anti-CAA protests include nation’s top Universities like JNU and Islamic Universities like Jamia Millia Islamia, Aligarh Muslim University and other 25 student associations all over India held anti-CAA protests. On December 15th Police was said to have entered Jamia campus and detained and caused injury to students. The sources from The Hindu and PTI shows that the protests which occurred in at least 14 states and a minimum of 94 districts, around 48% of protests recorded at least one violent incident or lathi or detention by police. Deaths of at least 31 people were recorded related to the violence that ensued during the protests. Around 24 districts in U.P witnessed protests, out of which more than 90% recorded violent incidents or police action or both. The anti- CAA protest thus seemed to be one of the most violent in the country. The BJP government is keen on going forward with the Citizenship Amendment Act, which has created a situation of stalemate in the nation. The present situation of perplexity is created by them which is a threat to the democracy of the country as well as its peace and tranquillity. Therefore, it is high time the Legislative, Executive and Judiciary together interferes and finds a way to peacefully negotiate and put an end to the protest.*

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## **I. INTRODUCTION**

The Capital city of India welcomed the New year, 2020 by protesting against Citizenship Amendment Act(CAA) of 2019 which the protestors termed as “discriminatory”. On 12 December 2019, the Government of India passed the most controversial Citizenship Amendment Act, with a clear majority in the Parliament. The act as amended by the BJP Government, inserted clause (b) to Section 2(1), which identifies “Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan, who entered into India on or before the 31st day of December, 2014 and 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”<sup>2</sup> as legal migrants. Thus the amendment relaxed the ‘jus sanguinis’ principle by reducing residence requirement for naturalisation of these migrants from twelve years to six under the Act. The Act might benefit over 30,000 people as per Intelligence Bureau report. But the Act has clearly agitated the minority group belonging to Muslim religion as they are excluded from the same relaxation. Despite the ruling party’s assurance on various platforms that the amended Act in no way affect “Indian Muslims”, the passing of the Act created wide protests and agitations from north to south, east- west of the country.

## **II. LEGITIMACY OF THE ACT**

The Act together with creation of nationwide NRC has created fear in the minds of many, which has led to violent protests and agitation nationwide. The protestors fear that NRC when clubbed with the 2019 Citizenship Amendment render many people especially belonging to the Muslim community, homeless as well as is a threat to the secular nature. The protestors say that ‘religion’ is the base for such amendment by ‘ignoring’ Muslims of the said countries. The Constitution has conferred power upon the Parliament under Article 11 enabling it to make any provision with respect to the acquisition and termination of citizenship”, and also to all other matters which relates to citizenship”. Thus the Parliament can legislate on matters relating to the grant and refusal of citizenship in consistent with the Constitution. Entry 17, List VII, Schedule 7 enables the Parliament with the power to make laws with respect to citizenship, naturalisation and aliens.

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<sup>2</sup> The Citizenship (Amendment) Act, 2019, NO. 47, Acts of Parliament, 2019,(India)

### **III. THE SEQUENCE OF PROTESTS!**

Not only Delhi but a majority of states went against implementing the Act, which the Union Ministry rejected on grounds of ultra vires of the State's powers. Protests began in the State of Assam, which consider that the amendment is in violation of the Assam Accord. While other States demanded for inclusion, Assam protested against granting citizenship to all such persons as it will cause the State, a loss of cultural and political rights. Protest were often agitated with violence as well. The violent protests started in Delhi, where it was led by Amanatullah Khan, a prominent MLA of the Aam Aadmi Party, and Delhi's Sunni Waqf Board chief. The group raised slogan 'Hinduon se Azadi'(freedom from Hindus). Two days later, massive riots broke out in Seelampur, which turned into a war zone.

Major hotspots for anti-CAA protests include nation's top Universities like JNU and Islamic Universities like Jamia Millia Islamia, Aligarh Muslim University and other 25 student associations all over India held anti-CAA protests. On December 15<sup>th</sup> Police is said to have entered Jamia campus and detained and caused injury to students. But some footages show that Police were attacked first by the protestors and their van was burned. Later they ran inside the campus, which provoked Police to enter into the campus. But this side of the story was hidden by the politicians as well as the media.

The biggest anti – CAA protest happened in the southern state of Tamil Nadu where 50,000 people gathered on Wallajah Road in the city on February 07<sup>th</sup> around 11.00 a.m and dispersed peacefully a couple of hours later after singing the national anthem. The state took high precautions where protestors were not allowed to march on the state secretariat by the police who were out in strength, standing behind barbed-wire pickets.<sup>3</sup>

The sources from The Hindu and PTI shows that the protests which occurred in at least 14 states and a minimum of 94 districts, around 48% of protests recorded at least one violent incident or lathi or detention by police. Deaths of at least 31 people were recorded related to the violence that ensued during the protests. Around 24 districts in U.P. witnessed protests, out of which more than 90% recorded violent incidents or police action or both. The anti- CAA protest thus seemed to be one of the most violent in the country.

### **IV. WILL THERE BE AN END?**

Amidst the Covid 19 'panic' of the nation and Prime Minister's call for observing Janata Curfew on 22<sup>nd</sup> of March, 2020, protests in Shaheen Bagh were still continuing till the Police

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<sup>3</sup> *THE TOI*, (Mar 25, 2020), <https://timesofindia.indiatimes.com/topic/anti-CAA-protests>.

removed the protestors on 24<sup>th</sup> March, 2020. This is the longest running anti- CAA protest in the country, which is ‘called off’ temporarily after 101 days, taking into account of corona virus outbreak and lockdown of the State. They are determined to continue the protests as soon as situation falls in control; a woman protestor said- “We are not scared. When we had hit the road to protect our Constitution and register our peaceful protest against the black law (the CAA), we were ready for brutal crackdown and police cases. If the government does not roll back the CAA and withdraw the NPR and the NRC (National Register of Citizens), we will once again come on the road when the corona cases are controlled and over”<sup>4</sup>. But the situation is criticised to be utilised for dismantling graffiti and slogans on the walls of Jamia Millia Islamia. Shaheen Bagh protest is a peaceful sit –in woman-led protest in the capital of the country. The protest has faced criticisms as recently BJP's MP Devendra Fadnavis said in Maharashtra that it was funded by Popular Front, Money was raised from people in the country This was further supported by the revelations made by the Enforcement Directorate exposing the close nexus between PFI and the Aam Aadmi Party, Congress, Bhim Army and other groups.<sup>5</sup> Money was raised from people in the country. The Delhi Police had also found a nexus between the ruling party and Kapil Gujjar, who fired 3 shots to the protest on 1<sup>st</sup> of February. He was further granted bail by the Delhi High court. This was stated by the AAP as “dirty politics” by the BJP before the elections to divert attention of people.

Earlier in February, the Supreme Court has *suo moto* taken cognisance of the matter particularly in the light of a letter written by Zen Gunratan Sadavarte, winner of 2019 Indian Council for Child Welfare (ICCW) National Bravery Award. Her concern was regarding involving young children and infants to the anti-CAA protests. This was raised after an incident where a 4-month-old infant had died on the night of January 30 after returning from Shaheen Bagh, where his parents had taken him to anti-CAA protest. In spite of this incident, Supreme Court has not issued any directive to the protesters nor the government regarding the anti-CAA protest. Instead, the apex court observed that any protest must not block roads and cause inconvenience to others. The BJP government is keen on going forward with the Citizenship Amendment Act, which has created a situation of stalemate in the nation. There are as many as 144 plus petitions already filed before the Apex court. The court but refused to grant stay on the Act and said

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<sup>4</sup> Tarique Anwar, *We'll Return After Corona Pandemic Ends, Say Shaheen Bagh Protesters After Forceful Eviction*, NEWSCLICK, (24 Mar 2020, 10 a.m), <https://www.newsclick.in/well-return-after-corona-pandemic-ends-say-shaheen-bagh-protesters-after-forceful-eviction>.

<sup>5</sup> *Shaheen Bagh anti-CAA protests funded by Islamist PFI, chief Mohammad Parvez Ahmed's links to AAP's Sanjay Singh and Congress' Udit Raj emerge*, OPINDIASTAFF, (6Feb,2020), <https://www.opindia.com/2020/02/shaheen-bagh-anti-caa-protests-aap-sanjay-singh-congress-ed-bank-accounts-office-cash-violence-riots/>.

that it will set up a five-judge Constitution Bench for hearing the same. The Supreme court in has also stayed the order of Karnataka High court granting bail to anti CAA protestors for agitating violence.

## **V. CONCLUSION**

Some of the protests included school children who are obviously unaware of the law, being made puppets for interest of some others. While on the other hand, media has projected another group of 'clueless' protestors who had absolutely no clue on the bill nor the purpose of the protest they are part of. Thus it is clear that the protest has been politicised to a large extent with people paid for joining the protests. The communal tensions have been used as a weapon by the politicians since Independence; well, no, before Independence itself. The present situation of perplexity is created by them which is a threat to the democracy of the country as well as its peace and tranquillity. Therefore, it is high time the Legislative, Executive and Judiciary together interferes and finds a way to peacefully negotiate and put an end to the protest.