

'CAA IS PERFECTLY LEGAL AND CONSTITUTIONAL, DOES NOT RELATE TO ANY INDIAN'

Relevant for: Indian Polity | Topic: Indian Constitution - Features & Significant Provisions related to The Preamble, Union & its Territories and The Citizenship

Law Minister Ravi Shankar Prasad speaks on the Citizenship (Amendment) Act (CAA), the National Register of Citizens (NRC) and the National Population Register (NPR), as well as the protests against these moves.

It's been suggested that the Citizenship (Amendment) Act (CAA) goes against Article 14 of the Constitution and that there are enough provisions in the unamended Citizenship Act to provide citizenship to persecuted minorities.

The CAA is perfectly legal and Constitutional. Under Article 246 of the Constitution, Parliament has got the exclusive power to make laws with respect to any matters listed in the list one in the Seventh Schedule, in that, item 17 is to do with citizenship and naturalisation of aliens. Therefore, only Parliament has got sovereign powers to legislate on citizenship. Article 14, that you refer to, says equality before law and equal protection before law, but the Supreme Court has got more than 20 judgments where they say that if there is a reasonable classification of groups who form a class by themselves then that legislation will be valid. Here a persecuted, victimised group based on faith of six communities from the three countries Pakistan, Afghanistan and Bangladesh, which are declared Islamic countries, form that reasonable classification.

Therefore, this CAA does not relate to any Indian, even Muslims. Neither does it create any citizenship to them nor takes it away. Now take the case of precedents, Mrs. Indira Gandhi gave citizenship to Hindus exiled from Uganda, Mr. Rajiv Gandhi in the case of Tamilians.

But they never made it religion-specific.

But did they say we add Muslims to these groups? Dr. Manmohan Singh in Rajya Sabha in 2003 specifically mentioned minorities fleeing our neighbouring countries. Mr. Ashok Gehlot and Mr. Tarun Gogoi wrote letters on this to the government from time to time. Congress doing it is ok, BJP doing it is bad. What is this logic.

The Congress's argument is that they did not mention any specific religion either for inclusion or exclusion.

What did Dr. Singh say to Mr. Advani in 2003? The video says legacy persecuted minorities should be given citizenship. Coming back to your question on why CAA, individually people can be considered for citizenship, as more than 2,000 Pakistanis have been given citizenship, but the whole group of minorities who have been persecuted only because of faith needed the CAA. It's a fact that there were six-seven lakh minorities in Afghanistan now only 500 left, what happens to Hindus — rape, murder, forced conversion in Pakistan — is too well known. Go to Indore, to Jodhpur, to Majnu Ka Teela in Delhi to see their condition for yourself. Therefore, the entire group of these communities are being given a platform for citizenship. The law provides for that. Individual asylum, protection is always there. One particular provision is rarely talked of in this context is Article 25, which provides for all persons, not just citizens, the right to freely profess, practice and propagate religion, therefore they have that right, after having coming to India.

There is a continuum being drawn between the CAA, the NRC and the NPR by those protesting. What is your view on this?

There are four concepts — the CAA, the Census, the NRC and the NPR. CAA we have already spoken of, the Census is an enumeration after every 10 years of Indians, it's also a constitutional sanction, but there is one issue, under the Census Act you cannot disclose the statistics of individuals, households. The NPR is a register of usual residents, not citizens. This you get from the Citizenship Act of 1955 and then there is a citizenship registration and issue of National I-card rule of 2003. Rule 3, sub-clause 4 says the Central government may decide the date by which a population register might be prepared. The point is that you can release NPR data for better targeting of welfare, to be used by both Centre and State. On 7th May, 2010, during a debate in the Lok Sabha initiated by late Ananth Kumar, with the participation of Mr. Lalu Prasad, Mr. Mulayam Singh and Mr. Sharad Yadav, then Minister Mr. Chidambaram's reply says that it will be "obvious" that the NRC would be a "subset" of the NPR. Census 2011, he says will be conducted in two phases, as well as reiterating the aims of the Census to do an "accurate *de facto* head count of the usual residents in India" within the deemed period. So, these very things I spoke of were spoken by the UPA, but they persist in their hypocrisy. Also the entire political class that is opposing us was supportive of the UPA on the same thing.

Coming to the NRC, it has a defined legal framework, also under Rule 4. The data would be collected, scrutinised by the registrars, appeals will be heard, but most important, the Registrar-General of citizens will have to notify the period and duration of the exercise in the official gazette. Nothing so far, not a word has been done so far.

Except that Union Home Minister Amit Shah has said on multiple occasions that it will be undertaken.

Prime Minister Modi has clarified that no discussion has taken place so far. There is a possibility that it may happen, but there is a legal process attached to it. NRC preparation has a distinct legal process to be initiated, with defining of rules with adequate consultations. But nothing has been done. The UPA did not repeal any of the amendments of 2003, which kicked in only in December 2004 despite heading a government propped up by the Left Front and the socialists. This double standard of the Congress is astounding. There is now a serious competitive, aggressive and, at times, extremist positioning for vote-bank politics. Elements like PFI, MQM, they are the urban Naxalites; the way they have hijacked the issue, it's regrettable that a party like the Congress is competing with them. We acknowledge the right to dissent and protest for all Indians but violence is not excusable. What were the hidden forces behind the sudden escalation of violence?

Did the government anticipate this level of protests?

We did not anticipate that the Congress will behave like this. My take is that hidden elements have joined hands to escalate the violence around the protests. In Uttar Pradesh, that is what happened, and the Internet had to be shut down for that reason. Protests and marches are fine, but if the *tukde tukde* [divisive forces] feel they will derail the government, that won't happen.

The Congress has acknowledged that it doesn't have the street strength to organise such widespread protests. So what is this reference to their behaviour?

Their comments lead to giving voice to these causes. Let me reiterate, India is as much home to Hindus as it is to Muslims. From leaders like Ashfaqullah Khan to Maulana Azad, to Abdul Kalam to Param Vir Chakra Abdul Hamid, their contribution to the country is widely known and appreciated.

The NRC in Assam was hardly a role model in terms of a process to count citizens. Wouldn't it be worse if scaled up for the entire country?

Assam is a different case, under the Citizenship Act of 1955 there is a clause 6A, there is a special provision for Assam under the Rajiv Gandhi Accord. There is also an undertaking to preserve the culture and heritage of Assam. UPA did nothing for this, it was the Modi government which did.

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