

**“Genocide in Democracy-Case study of Assam and North East Delhi
Muslims-
the role played by RSS backed Citizenship Amendment Act, National
Registry of Citizens and National Population Register”**

**United States Commission on International Religious Freedom
Hearing
On Citizenship Laws and Religious Freedom**

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Shiromani Akali Dal Amritsar America Inc.

Bhupindar Singh
Representative to US Government and United Nations



“Muslims in Assam and Kashmir are just one step away from extermination. The perilous situation in both Assam and Kashmir followed the patterns of 10 stages of Genocide” - Dr. Gregory Stanton, Former State Department Official¹

“I am not afraid of anyone now,” she said. “I have already lost a child. I don’t mind if the lives of my other two kids are sacrificed for the same cause - Nazia (Shaheen Bagh, New Delhi Protester on CAA).”² - February 05, 2020

“Delhi Woman, 85, Trapped As Mob Set Her Home On Fire, Choked To Death”³ - February 27, 2020”.

“Critics of the CAA say existing asylum laws already catered to anyone fleeing persecution, and the CAA is instead the latest attempt to reform India as a Hindu nation”⁴.

“Standing besides Delhi Police Commissioner BJP leader Kapil Mishra said: If authorities didn’t clear the road of demonstrators before Trump left India, Mishra warned, his supporters would clear it after the U.S. President’s departure”⁵ - February 23rd, 2020.

“Can’t Let Another 1984 Happen-not under our watch,” High Court On Deadly Delhi Clashes - Justice S Muralidhar Delhi High Court⁶ (In 1984 Sikh Genocide happened under police watch)

“Dilip Biswas had never doubted his Indianness. But suddenly he was told to prove it, leave the country forever, or go to jail. His wife and two young daughters were also declared foreigners and send to jail for a decade. Later High Court found was only Dilip Biswas, not his family, who should have been on trial. Further, Court found the tribunal had been wrong to reject land-revenue

¹ <https://www.theweek.in/news/world/2019/12/14/muslims-in-kashmir-assam-1-step-away-from-extermination-genocide-researcher.html>

² <https://www.independent.co.uk/news/world/asia/shaheen-bagh-protest-india-delhi-modi-citizenship-muslim-law-baby-death-a9318976.html>

³ <https://www.ndtv.com/delhi-news/delhi-violence-delhi-woman-85-trapped-as-mob-set-her-home-on-fire-choked-to-death-2186459>

⁴ <https://www.independent.co.uk/news/world/asia/shaheen-bagh-protest-india-delhi-modi-citizenship-muslim-law-baby-death-a9318976.html>

⁵ <https://www.theatlantic.com/ideas/archive/2020/02/what-happened-delhi-was-pogrom/607198/>

⁶ <https://www.ndtv.com/india-news/delhi-violence-we-cant-let-another-1984-happen-not-under-watch-of-this-court-says-high-court-2186018>

paperwork Biswas offered as proof his family had lived in Assam for at least one generation and was a citizen”⁷.

What paved the way for Assam NRC ?

In 2005, Sarbananda Sonowal (Chief Minister, Assam) - the then President of the All India Assam Student Union (AASU) and current Chief Minister of Assam filed a petition in the Supreme Court of India claiming that large- scale migration continues to take place in Assam putting the Assamese population at risk. It heavily drew from this report. The Supreme Court of India held that Assam is indeed facing an “external aggression and internal disturbance”, which if unchecked, will lead to a constitutional breakdown.⁸ This judgement changed the face of citizenship determination in India⁹.

The highest court of India legitimized the one-dimensional equation of migration with national security as endorsed by the report and justified the use of repressive laws and policies in response. It paved the way for repurposing the Foreigners Tribunal, created through the pre-constitutional and colonial Foreigners Act 1946 and under the Foreigners (Tribunal) Order 1964, to determine the citizenship of the people in Assam in 21st century India. These Foreigners Tribunals will now decide whether more than 1.9 million people who were left out of the National Register of Citizens (NRC) in Assam on 31 August 2019 are Indians or not.¹⁰

What gave birth to Citizenship Amendment Act (CAA) ?

The Indian Citizenship Act was adopted in 1955, where the citizen, by birth, descent, naturalization, registration, territorial incorporation was granted. The Indian constitution never carried religion as basis for citizenship. In none of these, religion gets consideration. In September 2019, when 1.9 millions Muslims got stripped off from citizenship, 1.5 million among them were Hindus and only 0.4 were muslims. In an attempt to reverse that situation CAA was bought into play to grant Hindus the Citizenship under CAA and Foreigners tribunals could clear the way for prosecuting Muslims. Before we discuss the citizenship amendment act in length, one needs to assert that Government has been stressing on the use of 2 terminologies: Infiltrators and refugees. They classify Non-Muslims as **refugees** and Muslims as **infiltrators (termites)** ¹¹.

The CAA changes this by an amendment in section 1 (b) on illegal immigrants. The term “illegal immigrants” was introduced in 2003 under the Vajpayee Government. However even though its intention was clear, it did not define illegal immigrant by religion. The Modi Government has completed this. In the CAA it amends Sec 1 (b) to include “any person belonging to Hindu, Sikh,

⁷ https://news.vice.com/en_us/article/3k33qy/worse-than-a-death-sentence-inside-indias-sham-trials-that-could-strip-millions-of-citizenship

⁸ 1. Sarbananda Sonowal v. Union of India, Writ Petition (Civil) 131 of 2000, <https://indiankanoon.org/doc/907725/>

⁹ <https://amnesty.org.in/wp-content/uploads/2019/11/Assam-Foreigners-Tribunals-Report-1.pdf>

¹⁰ Bikash Singh, Those left out of NRC will know reasons next month, The Economic Times, 21 Oct. 2019, <https://economictimes.indiatimes.com/news/politics-and-nation/those-left-out-of-nrc-will-know-reasons-next-month/articleshow/71681116.cms?from=mdr>

¹¹ <https://www.reuters.com/article/india-election-speech/amit-shah-vows-to-throw-illegal-immigrants-into-bay-of-bengal-idUSKCN1RO1YD>

Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan who entered India on or before December 2014 will not be considered an illegal immigrant.”

By this amendment, for the first time in the history of independent India, religion has become a ground for becoming a citizen of India. Say that there are two persons who have been residing in India with the same documents, proof of their residency but no proof regarding their ancestors. If the person is a non-Muslim, he or she becomes “legal” and if a person is Muslim, he or she is considered illegal. This is an attack on Article 14 that all persons are equal before law, and a part of the basic structure of the constitution. The second amendment in the Act concerns the number of years required to be resident in India to be eligible to apply for citizenship. This is called the citizenship by naturalization process in Sec 6.1 of the original Act of 1955. The further details of qualification for naturalization are in Schedule III of the Act. It states that any person who has been resident of India for the preceding eleven years is eligible for citizenship by naturalization.

Prior to the amendments to the CAA, in September 2015 the Modi Government in an entirely surreptitious manner and behind the back of Parliament, made changes in the Passport Entry into India Act 1920 and the Foreigners Act 1946. These amendments permitted the same selected groups chosen on religious grounds to stay on in India if they had come before Dec 31, 2014. The Bill also proposes to incorporate a sub-section (d) to Section 7, providing for cancellation of Overseas Citizen of India (OCI) registration where the OCI card-holder has violated any provision of the Citizenship Act or any other law in force.

Keeping same wording as in the CAA, as was inserted in 2015 into the two Acts, (Passport Entry India Act 1920 and Foreigners Act 1946) These changes show the planned moves of this Government to subvert the constitution of India by linking rights of people and citizenship to exclude those who belong to a specific religious community, the Muslims.

Navigating my eyes through one of the parliamentary report in 2016, when PM Modi get to pass the Citizenship bill for first time, Parliamentary Committee panel asks Intelligence Bureau, “**How many immigrants will benefit from Citizenship Act? 25,447 Hindus, 5,807 Sikhs, 55 Christians, two Buddhists and two Parsis, says Intelligence Bureau**“. Intelligence Bureau further tells panel that rest of them who have obtained passports / ration cards by fraudulent means would have to present their proof of citizenship. All other documents they might have obtained and they might have already registered themselves in the voters list. So, for all practical purposes, they are already citizens of this country. Tribunals are already there to identify if any of them has obtained it by fraudulent means. That is a different issue altogether. The Bill is for those who have applied and who have claimed that they have been persecuted in their respective country. The bureau, in their submission, clearly state that initially "it will be a small number. IB further asserts:

"Sir, as and when the Bill is passed, one thing can be thought of is that all those who have applied, who are here for a number of years, we can make one more verification whether during their stay in India if anything adverse has come to the notice of the security agencies whether it is IB, local police, local intelligence and those who have come for any activities or there is notice of any activities which is prejudicial of the nation, their case can be scrutinized. But that we will examine separately..."

The amended Citizenship Act gave birth to multiple questions:

1. Does the Bill violate the three fundamental elements of Article 14? Yes, it does, there must be equality before law, any classification of people must not be unreasonable, and even if a classification is reasonable, it must not be arbitrary.”
2. Why select only these three countries? What about the refugees from Sri Lanka or Myanmar ?
3. What about the Ahmediyya community in Pakistan? They can consider themselves “persecuted.” Why they are left out.
4. Why does the Bill address only address religious persecution and not political ?
5. There are three abrahamic religions — Judaism, Christianity and Islam. Why has Christianity been included, and the other two been left out?
6. Why have Sri Lankan Hindus and Bhutanese Christians been left out?

Case study of Assam

In 2012, one of the White paper on Foreigners in Assam released by Tarun Gogoi government announced that various tribunals between 1985 and July 2012 had declared 61,774 persons as foreigners, including the ones those have crossed the Assam-Bangladesh Border. But barely two months later, Gogoi said **there was not a single Bangladeshi national in Assam**¹². Thereby the Supreme Court intervention in 2014 paved the way for updating the the 1951 NRC in the state. It further gained pace after BJP came into power in 2014.

The coming purge was set in motion in 2015, when Assam’s government announced a “National Register of Citizens,” or NRC. **It required every person claiming Indian citizenship in Assam to submit proof that their ancestry in the country dated to before 1971 — the year Bangladesh was formed.** Those who could prove their citizenship to the government’s liking would be listed on the register. Citizenship is not a birthright in India; if an applicant’s parents don’t make the registry, the applicant wouldn’t either.

1. Detention centres

In 2014, the Narendra Modi government wrote to all state governments for setting up detention centres. The existing six detention centres -- which had come up before the NRC final draft was published -- in Assam house over 1,000 foreigners. However, the foreign tribunals have declared over 85,000 persons as foreigners over the years. So far 29 people have died in these detention centres.¹³. Retired Army officer who was declared foreigner, describes Assam detention centres as hell¹⁴.

Harsh Mander, a Human Rights activist on his visit to the two camps — the one in Goalpara for men and the facility in Kokrajhar for women and children — “we encountered grave and extensive human distress and suffering. Each centre has been carved out of a corner of a jail. Here, the detainees are held for several years, in a twilight zone of legality, without work and recreation, with no contact with their families save for rare visits from relatives, and with no prospect of release. In a jail, inmates are at least permitted to walk, work and rest in open

¹² <https://www.indiatoday.in/india/northeast/story/tarun-gogoi-not-a-single-bangladeshi-national-in-assam-123103-2012-12-02>

¹³ <https://www.ndtv.com/india-news/man-lodged-in-assam-detention-centre-dies-29th-death-in-3-years-2158934>

¹⁴ <https://www.thehindu.com/news/national/hell-not-detention-centre-assam-foreigner-after-pm-remark/article30381296.ece>

courtyards. But the detainees are not allowed out of their barracks even in the day.” The detainees we spoke to said education for children was almost non-existent¹⁵.

2. Huge Discrepancy in Functioning of Assam Foreigners Tribunals

With million of already pending different types of legal cases across all courts, where would India produce the judges from ?

More than 100 Foreigners Tribunals function in Assam currently, and the Government of Assam plans to set up 200 more and finally reach the mark of 1000. In the absence of any appellate body and a highly restricted criterion laid down by the Guwahati High Court for judicial review, the orders of the tribunals are final¹⁶. This raises concerns because Foreigners Tribunals are vested with extraordinary powers. They do not observe appropriate procedural safeguards that flow from Article 21 of the Constitution of India. On the contrary, each Foreigners Tribunal is allowed to devise and follow its own procedure that may not hold the scrutiny of domestic and international human rights law. **The members who declare people nationals or foreigners are, unlike in other Indian courts, not actually judges.** It used to be that only serving and retired judges presided over the tribunals. But when 36 courts mushroomed to 100 in 2015, the Supreme Court approved the government’s request to fill vacancies with lawyers who have at least 10 years experience.

Further, the extension of their tenure is dependent on their ‘performance’. “An existing citizens citizenship is tested on a Salesman marketing card”. None of the tribunals functioning are compliant even with Indian laws. When the latter was below 10%, the member was usually marked “Not satisfactory. May be terminated.” One member who had heard 10% of cases pending in his court and found 59% of the defendants to be foreigners was recommended for a contract extension. Another who had heard 26% of the tribunal’s cases and declared only 4% of people foreigners was fired.

One of the media outlet VICE¹⁷ gathered data and interviewed some 100 people who have faced courts, illustrates the biased process thereby resembling traditional legal system. In practice, It has been found that the Assam government evaluates their performance based on how many people the members declare to be foreigners and accordingly extends their tenure. Members who declare foreigners at a rate of less than 10% stand the risk of being axed. The members of the Foreigners Tribunal are recruited on a contractual basis and trained for only four days. The modalities of the training are unknown. I’m sharing the cases of individuals who have been subjected to declaration as a foreigner even after submitting scores of documents.

Many of the tribunals have appointed lawyers with 10 years of experience. The lawyers sitting as judges have their judgements differing. Many lawyers accepted voter ID as means of citizenship and other’s view that as suspicious and put that in ‘Dubious’ list. Some accepted

¹⁵ <https://www.telegraphindia.com/opinion/caa-nrc-npr-the-plight-of-detainees-is-already-unimaginable-and-it-will-get-worse/cid/1737188>

¹⁶ <https://amnesty.org.in/wp-content/uploads/2019/11/Assam-Foreigners-Tribunals-Report-1.pdf>

¹⁷ https://news.vice.com/en_us/article/3k33qy/worse-than-a-death-sentence-inside-indias-sham-trials-that-could-strip-millions-of-citizenship

verbal explanations for variation in age while others declared people foreigners on the basis of what defendants called clerical errors. One tribunal analyzed accepted a card issued by the income tax department as evidence, while another considered that suspicious. One tribunal considered an ancestor's name in the NRC from 1951 valid, while another said a census document was not legal evidence. In those tribunals, nearly nine out of 10 cases were against Muslims. Almost 90% of those Muslims were declared illegal immigrants — as compared with 40% of Hindus tried. While it wasn't possible to discern exactly how many people were Bengali speakers, every person VICE News found who had faced the tribunals was from that ethnic group. Judgements across tribunals differs hugely. In one of the tribunals in Kamrup, every single person processed in six months was declared a foreigner because they weren't present at their hearing. A senior judge presiding at one of the tribunals stated that with a day or 2 orientation members oversee tribunals and make mistakes assessing evidences. One of the members was made to believe that Assam is filled with infiltrators but while gauging through documents he didn't found even a single infiltrator.

Thereby in order to appease Hindu nationalists, the government devised three ways to identity, bring on trial and strip them off nationality and eventually deport; with a focus on Bengali speakers, coupling of individuals with appropriate documentation as 'Dubious' voters and third is the police complaint filed on the basis of tip received.

The discrepancies further took a high toll when the government decided to appoint retired civil service bureaucrats to decide upon ones citizenship, the bigger question would arise, 'Is the government so keen to establish any benchmarks beyond the law to strip muslims off citizenship.

1. **Former fifth President of India Fakhruddin Ali Ahmed**¹⁸: His family again left out of NRC list. The family members of former President Fakhruddin Ali Ahmed's nephew, who were left out of the draft National Register of Citizens (NRC) last year, have again not been included in the final list which was published on August 31.
2. **Jabeda Begum**¹⁹: 15 Official Documents Can't Prove She's Indian: Assam Woman's Ordeal: "I spent whatever I had. Now I am left with no more resources for legal battle," she said, breaking into tears. At the tribunal, she had submitted 15 documents, including the voter lists of 1966, 1970, 1971 of her father Jabed Ali. The tribunal said she has produced no satisfactory linkage proof with her father.
3. **Curious case of Asmat and Asgar**: Two brothers were declared foreigners by the Rangia tribunal on the same day, then detained, according to their wives. The wives now live in their two-room house with their elderly mother-in-law, doing domestic work for a living. The orders declaring Asmat and Asgar Ali foreigners said that they did not have sufficient proof that their deceased father was Indian. Both had provided their mother's tribunal order, declaring her Indian, but the member dismissed it.
4. **Ex-Serviceman Sanullah**: This shoddy police work was recently exposed publicly. The Boko tribunal had declared a retired army serviceman a foreigner based on differences between his details and the police complaint and had him detained in May. The family of the accused man, Mohammed Sanullah, told the media they were shocked. Eventually, the policeman who filed the complaint admitted

¹⁸ <https://www.indiatoday.in/india/story/former-president-fakhruddin-ali-ahmed-family-again-left-out-of-nrc-list-1594188-2019-09-01>

¹⁹ <https://www.ndtv.com/india-news/declared-foreigner-assam-womans-story-predicts-citizenship-list-effect-2182212>

that he had investigated a different man, a laborer, but the policeman who served the summons had issued it to the ex-serviceman. The officer that it had been a mistake, as the two men had the same last name. Three witnesses named in the complaint have sued the policeman, claiming that he had never met them. The high court allowed Sanullah out on bail in June.

Still under target...: Even those who have won their cases could still be targeted. The Assam Home Ministry plans to go to the high court to challenge 430 tribunal orders declaring people Indian. An official said they would also file 551 new complaints against people already declared Indian. Their legal division was re-examining another 1,178 cases²⁰.

Several senior Assam state officials speaking anonymously admitted in interviews that the foreigner detection system suffered from inefficiency, lack of transparency and inconsistent databases. They have now devised what they call the Electronic Foreigners Tribunal, which the Assam home secretary says will integrate the police, Foreigners Tribunals, NRC and the state's immigration office so "there is consistency of information."

Supreme Court of India judgment on immigrants in Assam violates Domestic and International Human Rights Law

Article 355, lays out 'Emergency'²¹ provision under Constitution of India. In the absence of any guidance given by the Constituent Assembly debates and prior case laws, the Supreme Court of India equated illegal immigration with 'external aggression' broadly, drawing interpretation from U.S., U.K. and international law. It argued that the word 'aggression' would include "invasion of unarmed men in totally unmanageable proportion if it were to not only impair the economic and political well-being of the receiving victim (Assam) State but to threaten its very existence."

While states have a right to establish principles about how nationality is acquired, renounced or lost, they must do so within the framework of international human rights law. In particular, domestic laws and practices must not violate the right to non-discrimination and the obligation to prevent statelessness.

The right to a nationality is a human right enshrined in several international human rights instruments, to which India is a party. International law imposes certain limits on what states may lawfully do, particularly if their actions could result in statelessness. The right to a nationality includes the right not to be arbitrarily deprived of one's nationality. In order to respect this right, measures leading to deprivation of nationality must meet certain conditions. These include: being in conformity with domestic law; serving a legitimate purpose that is consistent with international law and, in particular, the objectives of international human rights law; being the least intrusive instrument to achieve the desired result; and being proportional to the interest to be protected. The notion of arbitrariness includes not only acts that are against the law but, more broadly, elements of inappropriateness, injustice and lack of predictability.

The decision of the Supreme Court of India was not consistent with these principles of legality and proportionality. **It made Foreigners Tribunal the primary and only means of depriving people of their nationality, which has resulted in a large number of people being**

²⁰ https://news.vice.com/en_us/article/3k33qy/worse-than-a-death-sentence-inside-indias-sham-trials-that-could-strip-millions-of-citizenship

²¹ 19. "It shall be the duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the government of every State is carried on in accordance with the provisions of this Constitution.", <https://indiankanon.org/doc/490234/>

arbitrarily deprived of nationality and subsequently exposed to a situation of statelessness in Assam.

Further, in cases where deprivation of nationality may lead to statelessness, international experts agree that the burden of proving that the individual will not be rendered stateless to remain with the State.

Citizenship Amendment Act as the brainchild of RSS Hindu Nation agenda

"Who are you worried about? Should we make the Muslims coming from Pakistan, Bangladesh and Afghanistan citizens of the country? What do you want -- that we give every Muslim coming from any anywhere in the world citizenship? ... The country cannot function this way - Amit Shah²²"

The Rashtriya Swayamsevak Sangh—a paramilitary organization affiliated with the BJP, is explicitly modeled on the Nazis²³, and of which Modi has been a member since the age of 8—has indoctrinated and raised private military of thousands to impose the agenda of RSS. One can link and view the founding fathers of CAA, NPR and NRC coming from RSS. Narendra Modi and Amit Shah serving as long standing and loyal members of RSS are turning every stone to spread fascism, bigotry and a layer of terror spread through saffronization among the country's nationals. It is another example of how Modi and his BJP party have pushed an agenda of Hindu nationalism onto secular India, a country of 1.3 billion people, at the expense of the Muslim population. The BJP, which was re-elected in May 2019, has its roots in India's Hindu right-wing movement, many followers of which see India as a Hindu nation. This Citizenship Amendment act would be extended to Sikhs, Christians, Buddhist, Jains and other minority religions in the country through a nationwide NRC being rolled out on April 1st, 2020.

Heap of lies, paralysis of Superior Courts, Media outlets, collapse of Law and Order machinery, and citizens losing trust in government:

At the first hearing on petitions challenging the CAA, the Supreme Court declined to stay the contentious law but asked the Centre to file its reply against the petitions that say it violates the Constitution²⁴. The petitioners say the Bill discriminates against Muslims and violates the right to equality enshrined in the Constitution. The paralysis of superior courts, collapse of law and order machinery and the climate of fear, social media tsunami of fake news being created by the ruling party politicians have also equally responsible for the root cause behind recent bloodshed in North East Delhi which saw more than 40 Muslims killed, and that has been the trend setting on the lines of 2002 Godhra Muslim killings. Be it was open attacks and firing by Hindu

²² <https://economictimes.indiatimes.com/news/politics-and-nation/citizenship-amendment-bill-amit-shah-says-indian-muslims-have-nothing-to-fear/articleshow/72481306.cms?from=mdr>

²³ <https://www.theatlantic.com/ideas/archive/2020/02/what-happened-delhi-was-pogrom/607198/>

²⁴ <https://www.hindustantimes.com/india-news/govt-petitioners-spar-over-stay-on-CAA-hearing-in-supreme-court-after-4-weeks/story-T3KpnX4aniWaNl6q8rfpRP.html>

Nationalists goons on Jamia Millia Islamia university students²⁵, Jawaharlal Nehru university students²⁶, firing on Shaheen Bagh protestors, Delhi Police had been seen protecting goons under every circumstance. Delhi Police under the Central government directions purportedly set stage for Ultra Hindu nationalists to kill Muslims and destroy their properties in cold blood not only in Uttar Pradesh but also with the recent pogrom at North East Delhi²⁷.

Mass protests have erupted throughout India²⁸ against the CAA, NPR and NRC and government have refused to back down on the Act²⁹. Indian media outlets as usual have failed to protect the democracy, many, sadly, have become mouthpieces of official propaganda. Some do not think twice about promoting religious polarisation and even hatred in pursuit of the political agenda of the ruling Bharatiya Janata Party (BJP)³⁰. “For those of us still willing to do our job, there are indirect financial pressures, of course, but also legal tactics aimed at silencing critical coverage. Defamation laws are misused to embroil editors and reporters in frivolous cases that can take us years to shake off. At one time, The Wire was facing 14 defamation suits filed by governing party politicians and their family members, businessmen and even a godman.

The CAA, NPR and NRC has been sitting atop the bedrock of lies. Wide protests erupted in the country on mass scale. Prime Minister Modi and his aide Amit Shah released various statement throughout their rallies in bid to curtail those protests. The below are the noted heap of lies which raised objections by citizens and masses to face streets:

1. The Citizenship Amendment Act (CAA) is not discriminatory—it is the culture of India to come to the aid of the persecuted. No Indian citizen will be affected.

2. The CAA has nothing to do with National Register of Citizens (NRC). This is totally separate and opposition is trying to falsely link the two. **The building of NRC is based on NPR (Home Ministry website says that.**

3. Modi said at the Delhi rally on December 22, 2019: I want to let the 130 crore citizens of India know that since my Government has come to power, since 2014 there has been no discussion on NRC anywhere”. **Prime minister himself is the manufacturer of the amended NRC.** On November 21, 2019: Amit Shah said in the Rajya Sabha, “The process of National Register of Citizens (NRC) will be carried out across the country.”

²⁵ <https://www.aljazeera.com/news/2020/02/india-footage-appears-show-police-attack-jamia-students-200216053500418.html>

²⁶ https://www.washingtonpost.com/world/asia_pacific/masked-assailants-attack-students-at-prestigious-indian-university/2020/01/06/81061e56-304c-11ea-971b-43bec3ff9860_story.html

²⁷ <https://www.nytimes.com/2020/02/27/world/asia/india-violence-hindu-muslim.html>

²⁸ <https://qz.com/india/1781692/in-photos-india-refuses-to-stay-quiet-in-the-face-of-repression/>

²⁹ <https://www.bloomberg.com/news/articles/2019-12-17/india-s-home-minister-defends-citizenship-law-won-t-repeal-act>

³⁰ Many, sadly, have become mouthpieces of official propaganda. Some do not think twice about promoting religious polarisation and even hatred in pursuit of the political agenda of the ruling Bharatiya Janata Party (BJP).

4. Modi and his Ministerial colleagues and party spokespersons and their crony media friends have been accusing the opposition of spreading lies and claimed that the NRC process has not been legalized. The Minister of State for Home Affairs, G. Kishan Reddy, has said: “A countrywide NRC had not been notified so far and no one should fear.” **The law for NRC was adopted in 2003 under BJP government.**

5. The NRC process is yet to start and there is no notification- **The Rules for the implementation of the NRC were adopted in 2003 by the Vajpayee Government. In July 23, 2014, Minister of State for Home Affairs Kiren Rijju made the linkage clear between NRC and NPR and about the governments decision to make National Registry of Citizens.**

The NPR process has already started. The notification for preparing and updating the NPR was issued by the Registrar General of Citizen Registration on July 31, 2019 through a gazette notification, that the house to house enumeration will start from April 1 to September 30, 2020.

6. Amit Shah says the NPR has nothing to do with the NRC - **This is what Mr Shah’s ministry said in its annual report of 2018-2019. In Ch 15, para 15. 40 it is stated “Government of India has approved a scheme of creation of National Population Register (NPR) in the country by collecting specific information of all usual residents. NPR is the first step towards creation of National Register of Indian Citizen (NRIC)³¹.**

The NPR is directly linked to the NRC. From April 1, 2020 onwards, the National Register of Citizens process will begin with house-to-house enumeration for the National Population Register.

7. No Indian has anything to fear- **The poor and the marginalised have everything to fear. Assam has faced the ordeal. Many of them who have been declared citizens by Tribunal but the Assam Government plans to challenge their citizenship in High Courts.**

8. Modi says there are no detention centres anywhere - **The Ministry of Home Affairs sent instructions on 24/29 April 2014 and again on 9-10 September 2014. On this basis, a model detention centre/holding centre/camp manual was issued to all states/union territories in 2018.**

Recommendation

US must act immediately on curtailing of citizenship rights and religious freedom violation in India.

- USCIRF may consider placing India into Tier 1 countries / Countries of Particular Concern.
- Pro-actively monitor the pressure groups / organizations involved in facilitation and promotion of hate and discriminatory speeches and consider action against the individual / organization involved under the Congressional acts and Presidential proclamations on grave human rights violation.
- Encourage the Government of India on complying with domestic and International laws on Human Rights in identifying foreigners / illegal immigrants and meeting their basic standards of living.

³¹ <https://www.thehindubusinessline.com/news/national/npr-is-first-step-of-nrc-opposition-says-citing-govt-records/article30390349.ece>

- Ensure robust leadership to reassure the targeted and marginalized communities in India and discredit the manifestation of hate speech and discrimination, that perpetuate attack on minorities, regardless of whether those radical elements hail from the right wing or left wing groups.
- Steps may be considered to recommend the US government to couple economic and political ties with India on existing congressional legislation on Human Rights.