

Citizenship Act's Impact on Assam and BJP'S Clever Election Gimmick

Misbah Basharat*

The BJP government got the Citizen Amendment Act (CAA) passed from the parliament on 12 December 2019. The Act amended the 1955 Citizenship Act to offer citizenship to illegal migrants belonging to Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians from Afghanistan, Bangladesh, and Pakistan arriving in India before December 2014. The Act, therefore, clearly deprives the similarly eligible Muslims from the privilege. The bill was presented before a 30-member Parliamentary Select Committee back in 2016 and after the parliamentary process, it was enacted into a law.¹ This act reduces the requirement for citizenship from 11 years to 6 years and grants fast-track and easy-to-access Indian citizenship to non-Muslims immigrants from three Islamic states.²

Since coming into power, the Modi government has invoked a nationalist regime based on religion, which is apparent in the Act. The CAA has been widely criticised as it is inherently discriminatory based on selective humanitarianism and puts at risk the secular values of India as it has excluded Muslims from the expedited path to citizenship. The religion-based criteria for citizenship are inconsistent with Article 14 of the Indian Constitution, which ensures equality before law as a fundamental right of every human being within the territory of India.³ The bill contradicts the basic principle of the Constitution, i.e., secularism. Because of the violation of the rights enshrined in the

Constitution, nationwide protests broke out against the bill.

The CAA is one of the religious-nationalist agendas of the BJP government, with which the Hindu nationalist regime aims to establish religious supremacy of the majority and marginalise the Muslims.⁴ The bill will have a pernicious impact on the demography and electorate of India. The new Citizenship Act will ease the process of migration of the six religious communities, which will attract the Hindu population from Pakistan, Bangladesh, and Afghanistan to migrate to India. This could, in the long run, help the BJP government in advancing their Hindutva nationalist agenda and increasing their vote bank.

The opposition against the bill has been the most severe in Assam because of the impact of the bill on the demography, culture, and social environment of the region. CAA is also contravening the Assam Accord, 1985, which was signed after a devoted sustained effort between the All Assam Students Union (AASU) and the national government led by former Indian prime minister Rajiv Gandhi at the time. The immigration of illegal people from the neighbouring state has generated apprehensions among the population of the north-eastern part of India. The Accord aimed to preserve and strengthen the political and cultural identities of the native population by identifying and expelling illegal migrants regardless of their

* Misbah Basharat is an intern at IRS.

religion.⁵ Section 6-B of the CAA reverses the provision of the Assam Accord as it grants citizenship to illegal immigrants belonging to the mentioned six religious groups, who have entered India before 2014.⁶ The contradiction to the Assam Accord and legitimisation of illegal immigrants has resulted in civil and political unrest in the region.

The people of the North-East have assertively opposed the bill because of the exclusion of Muslims and the fear that the bill will benefit the illegal Hindu immigrants from Bangladesh who have settled in the region.⁷ The bill is widely viewed by the Assamese as an act to legalise the Bengali Hindu immigrants who threaten the political, economic, social, and cultural identity of the native population. The citizenship law alters the cut-off date that had been decided in the Assam Agreement. According to the Assam Accord, the illegal immigrants who entered Assam between 1966 and March 1971 shall be detected and deported.⁸ In the CAA, the government amended the cut-off date for illegal immigrants from 24 March 1971 to 31 December 2014, which is unacceptable to the people of Assam because by doing so the government is backing off from the agreement to protect the cultural identity of the region. The people of the North-East and Assam in particular consider the new legislation as a political move by the BJP government to achieve its political ambitions by legalising undocumented immigrants as it will play a crucial role in shaping the politics of the country in the distant future.

The Citizenship Amendment Act has evoked strong and violent protests in Assam. Immigrants have always been an issue of Assam and the legalisation of the undocumented Bangladesh migrants under the CAA has further sparked anxiety. Migration of Bangladeshis in

large numbers has resulted in native cultural degradation. Legalisation of the undocumented immigrants also contradicts Clause 6 of the Assam Accord, which provides legislative, constitutional, and administrative assistance to preserve and promote the cultural, social, and linguistic heritage of the Assamese people.⁹ With the passage of the CAA, the Assamese fear that like Tripura, Bangla-speaking illegal immigrants might outnumber the natives and politically dominate the region by threatening the language, culture, and land-holdings of local populations.¹⁰

The CAA and National Register of Citizens (NRC), if viewed in combination, can create a very precarious situation for the undocumented Muslims residing in Assam. The religion-based criteria for citizenship could deprive the Muslim population of citizenship right under the new legislation. The CAA gives the central government the authority to grant citizenship to the six religious communities without any documentary proof, which is the requirement of NRC. In fact, under the new legislation, all the cases under the Assam NRC against the illegal migrants belonging to the 6 religious communities who fulfil the criteria of CAA are abolished. But the Muslim population, excluded from the Assam NRC, cannot be granted citizenship and will be considered as illegal immigrants because they do not meet the criteria of CAA.¹¹ Thus, the Assam NRC and the CAA are inherently discriminatory and are leading towards a passive exclusion of Muslims.

During the protests in Assam against the CAA, five people lost their lives in police firing. The civil and political disturbance in the region led to speculations that it could strongly affect the political aspiration of the BJP and its coalition to retain power for the second consecutive time

in the state of Assam. Against such predictions, however, the BJP managed to win the State Assembly election in the state along with its coalition partners. The victory of BJP-led coalition in the 2021 Assembly election in Assam indicates that street agitation against the CAA did not have much of an impact politically. There was a fair chance of BJP losing its power in Assam because of the local resentment against the CAA which led to the creation of three new parties and the formation of a grand alliance that had the potential to damage the saffron party in local politics. Despite the grand alliance, the Congress could not pose a serious challenge and the BJP-led coalition won most of the seats in the upper Assam, which was the epicentre of anti-CAA agitation. Various factors worked in favour of the BJP-led coalition:¹²

- **Inclusion of UPPL:** the inclusion of UPPL (United People's Party Liberal) added strength to the saffron alliance.
- **Split of votes:** the three political parties, AJP (Axom Jatiya Parishad), RD (Raijor Dal), and AGM (Anchalik Gana Morcha), which were the offshoots of the anti-CAA agitation refused to join hands with the grand alliance. The decision to maintain their independent identity resulted in the split of votes that benefited the saffron coalition.
- **BJP'S welfare schemes:** the BJP'S welfare schemes also helped them in their win against the Congress coalition. The BJP government, through development and welfare schemes, gained the support of the tribal people and the tea garden voters. Through scheme such as the *Arunodoi*,¹³ the BJP government managed to gain the support of the women of the region.
- **Congress alliance with the AIUDF:** congress alliance with the AIUDF (All India United

Democratic Front) also helped the BJP coalition in their win. The saffron coalition exploited how the congress was working against the interests of the Assamese by joining hands with AIUDF, which worked for the protection of the rights of the Bangladeshi immigrants and, thus, posing a threat to the identity of the Assamese.

- **Strong leadership:** Strong leadership also helped BJP in their win against the grand alliance. The performance of the BJP Chief Minister Himanta Biswa Sarma and his election campaign strategies helped the party gain public support. Whereas, on the other hand, Congress lacked efficient and strong leadership in the region

- **Exclusion of CAA from the election campaign:** because of the anti-CAA agitation and the backlash against the Act, the BJP-led coalition avoided committing to the implementation of CAA in Assam. In its manifesto for the election, the BJP emphasised preparing a correct NRC that would help detect illegal immigrants residing in Assam.¹⁴

Thus, strong and stable leadership and focus on issues like development and welfare that concerned the indigenous Assamese population benefited the BJP-led coalition in maintaining its power in Assam for the second consecutive time. By shifting the election campaign narrative from CAA to development projects such as affordable housing, infrastructure building, and cash transfer to the farmers and the women, the BJP has retained its seat. Moreover, the inefficiency of the grand alliance and the split of votes because of the formation of a new independent anti-CAA party also went against Congress. The saffron coalition could have been defeated only if the votes of the grand alliance and the alliance between AJP and RD were combined.

Notes and References

- ¹ Amb Satish Chandra, "Citizenship Amendment Act: Uncalled for Protests," Vivekanand International Foundation, 23 December 2019. <http://library.bjp.org/jspui/bitstream/123456789/3031/1/Citizenship%20Amendment%20Act%20-%20Uncalled%20for%20protests%2C%20Amb%20Satish%20Soni.pdf>.
- ² Explained: What is the Citizenship Amendment Bill? The Indian Express, 23 December 2019. <https://indianexpress.com/article/explained/citizenship-amendment-bill-2019-parliament-winter-session-nrc-6122846/>.
- ³ The Constitution of India 1949, Article 14. <https://indiankanoon.org/doc/237570/>.
- ⁴ Sanmay Moitra, "The Citizenship Amendment Act's Incompatibility with Indian Politics, Morality and International Law," 2020. <https://hcommons.org/deposits/objects/hc:29998/datastreams/CONTENT/content>.
- ⁵ Assam Accord, "Accord between AASU (All Assam Student Union), AAGSP (All Assam Gana Sangram Parishad) and Central Government, on the Foreign National Issue, 15th August, at Nationality Question In Assam," (1985): 214-218.
- ⁶ Sanmay Moitra, "The Citizenship Amendment Act's Incompatibility with Indian Politics, Morality and International Law," 2020. <https://hcommons.org/deposits/objects/hc:29998/datastreams/CONTENT/content>.
- ⁷ Kaushik Deka, "Why Assam is protesting against Citizenship Amendment Bill," India Today, 9 December 2019. <https://www.indiatoday.in/india-today-insight/story/why-assam-is-protesting-against-the-citizenship-amendment-bill-1626656-2019-12-09>.
- ⁸ Prabhash K Dutta, "What is Assam Accord of 1985 and how amended citizenship law challenges it?" India Today, 13 December 2019. <https://www.indiatoday.in/news-analysis/story/what-is-assam-accord-of-1985-and-how-amended-citizenship-law-challenges-it-1627965-2019-12-13>.
- ⁹ Government of Assam, "Implementation of Assam Accord" <https://assamaccord.assam.gov.in/portlets/assam-accord-and-its-clauses#Clause%20of%20Assam%20Accord%20:%20Foreigners%20Issue>.
- ¹⁰ Kaushik Deka, "Why Assam is protesting against Citizenship Amendment Bill," India Today, 9 December 2019. <https://www.indiatoday.in/india-today-insight/story/why-assam-is-protesting-against-the-citizenship-amendment-bill-1626656-2019-12-09>.
- ¹¹ Mohd Imran, "The Citizenship (Amendment) Act, 2019: Beginning of Selective Humanitarianism & Citizenization of Persecuted Victims in India," *7th Position in SARALA BIRLA MEMORIAL NATIONAL ARTICLE WRITING COMPETITION* (2020). <https://poseidon01.ssrn.com/delivery.php?ID=568002118065021078070005124091011066118047006051032007118027116118017127026103067004017058006012005023096082094067123005014090055058054000080074094015124026016085110064018021124114004089022004116104027065029001104105071000017084098064104120072021082084&EXT=pdf&INDEX=TRUE>.
- ¹² Kaushik Deka, "How the BJP returned to power in Assam," India Today, 3 May 2021. <https://www.indiatoday.in/india-today-insight/story/how-the-bjp-returned-to-power-in-assam-1798192-2021-05-03>.
- ¹³ Aimed at providing health and nutritional support to needy households.
- ¹⁴ Utpal Parashar, "In Assam, CAA failed to hurt BJP, Cong did not benefit by opposing it," Hindustan Times, 2 May 2021. <https://www.hindustantimes.com/india-news/in-assam-caa-failed-to-hurt-bjp-cong-did-not-benefit-by-opposing-it-101619959557699.html>.