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Mr. David Maria Sassoli
President
European Parliament
Brussels

Dear Mr. Sassoli,

Re: Misinformation about India's Citizenship Amendment Act, 2019

I wish to draw your kind attention and through you invite the attention of the European Parliament (EP) to the misinformation being circulated about various apprehensions on India's Citizenship Amendment Act, 2019.

At the outset, I would like to highlight that some MEPs with vested interests have mislead the Parliament, are trying to destroy its institutional value. I have no hesitation to state that these vested interests are of Pakistani origins and one particular MEP who is moving the MR is himself born in Mirpur, the Pakistan Occupied Kashmir. Sadly, the European Parliament has failed to appreciate the humanitarian approach of the Government of India which has made provision to give citizenship have remained stateless for years together who left fearing persecution in Pakistan, Afghanistan and Bangladesh. Does it mean that the European Parliament wants these stateless persecuted individuals to remain stateless for many more years to come and remain deprived of basic human rights to live in dignity or EU has deviated from its core values to protect Human Rights of underprivileged? More disheartening is to see that some of the Political Groups in the EP in their Motion for a Resolution (MR) have sought repeal of such a humanitarian Act which aims to grant Citizenship around which many rights are bestowed which EU values most.

Notwithstanding above, the CAA, 2019, is purely an "Internal Matter of India" which aims to expedite the process of granting Citizenship to persecuted ethnic minorities including Christians from Pakistan, Afghanistan and Bangladesh. Moreover, the Citizenship Act of India still continues to offer Citizenship to foreigners including Muslims community who wish to apply through normal process. The CAA, 2019, does not affect any Person who is already an Indian citizen may be of any religion as it is only for refugees who are still not citizen. The CAA does not affect any Indian citizens, including Muslim citizens.

The CAA is applicable to only religiously persecuted persons in Pakistan, Afghanistan & Bangladesh where this has been going on for decades and people are coming to India legally or illegally causing pressure on India's resources including bringing demographics imbalances. The impact of illegal migration in hinterland which can be seen mainly in North East particularly in Assam and West Bengal and is major cause of disturbance in those areas where demographics changes are happening. The CAA, 2019, has nothing to do with Hindu Rashtra or Secularism. etc., as people are arguing but to see that demographics changes should not affect the thread of basic social and cultural identity of any Indian may he or she be of any religion, as is being felt in North East.

The present legal process of acquiring Indian citizenship by any foreigner of any category through Naturalization (Section 6 of the Citizenship Act) or through Registration (Section 5 of the Act) stays operational. The CAA does not amend or alter it in any manner whatsoever. Hundreds of Muslims migrating from these three countries have been granted Indian citizenship during the last few years. If found eligible, all such future migrants shall also get Indian citizenship, irrespective of their numbers or religion. In 2014, after the settlement of Indo-Bangladesh boundary issues, 14,864 Bangladeshi citizens were given Indian Citizenship when their enclaves were incorporated into the territory of India. Thousands of these foreigners were Muslims.

The CAA has absolutely nothing to do with the deportation of any foreigner from India. Therefore, misinformation that Muslim immigrants from these three countries will be deported under the CAA is

baseless. The deportation process of any foreigner irrespective of his religion or country is implemented as per the mandate of the Foreigners Act, 1946 and/or The Passport (Entry into India) Act, 1920. These two laws govern entry, stay movement within India and exit from India of all foreigners irrespective of their religion or country. Therefore, the usual deportation process would apply to any illegal foreigner staying in India. It is a well-considered judicial process that is based on a proper inquiry by the local police or administrative authorities to detect an illegal foreigner. It is ensured that such an illegal foreigner has been issued a proper travel document by the embassy of his country so that he can be duly received by officials of his country when he is deported. In Assam, the process of deportation happens only after the determination of such a person as a "foreigner" under The Foreigners Act, 1946. Then the person becomes liable for deportation. Therefore, there is nothing automatic, mechanical or discriminatory in this exercise. The state governments and their district-level authorities enjoy the power of Central Govt. under Section 3 of the Foreigners Act and Section 5 of The Passport (Entry into India) Act, 1920 to detect, detain & deport any illegal foreigner.

It is also important to state that there is no NRC on a national basis. The only NRC which was done was under the supervision of the Supreme Court in only one state (Assam) and this was found to be flawed. The provisions of the NRC in the draft resolution is imaginary as there is no NRC. The CAA has nothing to do with NRC. The legal provisions regarding NRC have been part of The Citizenship Act, 1955, since December 2004. Also, there are specific statutory rules of 2003 to operationalize these legal provisions. They govern the process of registration of Indian citizens and the issuance of national identity cards to them. These legal provisions have been on the statute books since the last 15-16 years. The CAA has not altered them in any way whatsoever.

I hope you will realise that the Citizenship Amendment Act (CAA) is a historical move by the NDA government as this will have significant impact on the lives of people in South Asia who have been adversely affected by religious persecution and have sought refuge in India. To understand why Muslims are excluded, the answer is very simple, and it is my duty to make those misguided parliamentarians understand and educate. Afghanistan, Pakistan and Bangladesh being Muslim dominated countries do not face religious persecution. It is the minority communities in these countries who face religious persecution. This is the reason Muslims are being excluded.

Mr. President, I am currently travelling in India and have interacted with intellectuals and business leaders and also with many civil society groups and NGOs. It is my firm belief that the opposition parties in India are opposing the Act because these parties have encouraged and sometimes engineered border crossing of illegal immigrants. The illegal immigrants have been settled in bordering states before gradually moving them to other parts of the country. These parties do this with the intention of registering them as voters and thereby create a vote bank from which they will benefit by getting voted to various elected bodies.

The Act fulfils the long - standing demand of providing refuge to persecuted religious minorities from three neighbouring countries Pakistan, Afghanistan and Bangladesh. Instead of congratulating the govt of India, for standing up for forgotten minorities and upholding the civilization ethos of India providing a heaven to those fleeing religious persecution, the S&D Parliamentary Group is bringing Motion in the European Parliament. This is unfortunate and highly confusing stand by the political group.

I would like to re-state that the CAA is in perfect synchronization with the secular Constitution of India as it does not prevent any religious denomination from any country, seeking citizenship of India. Nor does it change the criteria of existing citizenship in Indian in any way. Rather, CAA only seeks to provide a special expedited redress, under special circumstances to minorities fleeing religious persecution from three specific countries i.e. Pakistan, Bangladesh and Afghanistan while in no way excluding Ahmadis, Hazaras and other denominates and ethnicities, from seeking Indian citizenship through regular processes.

However, on the other hand, the legitimacy of the object of the Amended Act can be deciphered from the fact that the religious minorities in the three selected countries have been and continue to be ill-treated (a recent December 2019 UN report shows Pakistan atrocities over its minority community) and Islam, being their state religion and majority population belongs to Islam, cannot become a criteria for granting Indian citizenship because India cannot wade into sectarian or ethnic dispute within Islam in another Islamic country.

The exclusion of other neighbouring countries becomes just because India cannot overburden its resources and capacity by widening the scope of the Amended Act to not include all the possibilities. Its limited scope cannot make the Act arbitrary or unreasonable because the reasonableness is to be judged with reference to the object of the legislation and not moral considerations. Mere discrimination or inequality of treatment does not per se show that the classification is unreasonable but the absence of rational basis regarding the object of the legislation does.

History shows that the religious persecution is and has been of the minorities. Members of the majority community have crossed the border for economic reasons. While it is India's moral duty to protect the minorities in these 3 countries, equally it is India's duty not to open its borders to all and sundry on similar lines as the developed countries of the West.

In our view, the proposed Motion is a calculated move by some parliamentarians to damage EU-India relations, undermine EU's New Strategy on India, and derail the FTA negotiations which both parties are now determined to conclude. It is also designed to frustrate the EU-India Summit which EU is likely to host in March in Brussels. It is sad that European Parliament has not learnt any lesson from Brexit and still continues to do what it should not, and not do what it should. I also hasten to add that whatever the outcome of MR, India does not care or is bothered by EP's move simply because Indian democracy is not influenced or guided by the European Parliament. Dissent and debate that one sees in India, are the basic fabric of Indian democracy and Indian democracy remains undamaged.

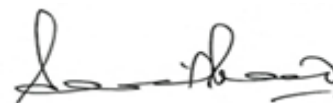
In the background of the above, you will agree that there is well thought out plan of the outgoing British MEPs of Pakistani origin to have a last hurrah before they are consigned to the annals of EU Parliamentary history. The European Parliament and its Members must not be allowed to be used by these vested interests to inflict damage to the European Union and European Parliament. The move is unwise and uncalled for and it for the European Parliamentarians to decide what type of relations they want to maintain with India in future.

It is not out of context to mention that some Political Groups in the EP in their MR have recommended for expanding of scope of CAA to includes Muslims persecuted in countries like Myanmar, Pakistan etc. which reaffirms that the persecution of ethnic minorities has been taking place and is going on in Pakistan, which still continues to enjoy the GSP plus trade privileges from EU. In view of this, It is high time that EP takes stringent measures to deny GSP Plus status to Pakistan.

As an apex chamber to promote trade and economic relations between Europe and India, we believe it is our responsibility to bring to your kind attention the above development that has the potentials to affect trade and strategic relations between EU and India, and I urge you not to allow this relation to be damaged beyond repair

With best regards,

Yours sincerely,



Secretary General