

The Gram Sabha of Village Panchayat deliberated upon the Citizenship (Amendment) Act, 2019, its context and background, its implications for the residents of our village and the rest of the country and the Constitutionality of its provisions. The following facts were observed by the Gram Sabha:

1. The Constitution of India declares India to be a Sovereign, **Socialist, Secular** Democratic Republic.
2. The Constitution guarantees equality before the law and equal protection of the law **to all persons** under Article 14. Article 15 (1) prohibits the State from discriminating against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.
3. Citizenship is defined under Part II, articles 5 to 11 of the Constitution. Further, the Citizenship Act, 1955, with its amendments, is the law made by the Parliament to provide for the acquisition and determination of Indian Citizenship.
4. The Citizenship (Amendment) Act, 2019 was notified on December 12, 2019. This amendment inserts the following proviso in section 2, in sub-section (1), in clause (b), namely:— "Provided that any person belonging to 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, shall not be treated as illegal migrant for the purposes of this Act;"
5. The Government has made Public its plans to prepare a National Population Register (NPR) and a National Register of Indian Citizens (NRC) for the entire country, including Goa. It has been announced that the data for the National Population Register is to be collected starting from April this year, simultaneously with Census 2021 or other house to house surveys. The forms for the NPR/census data collection available on government websites reveal addition of fields that will be used to identify and exclude 'doubtful citizens', which effectively will be the NRC. These 'doubtful citizens' will have to prove their citizenship by producing prescribed documents in evidence.
6. The processes and procedures followed for the preparation of the NPR and NRC in Assam reveal the scale of arbitrariness, excessive powers to officials and potential for grave injustice that are inherent to the process of identifying citizens, especially in the light of the Citizenship (Amendment) Act, 2019.

After thoroughly discussing the subject matters, the Gram Sabha made the observations and came to the conclusions listed below:

- (a) It is observed that the Citizenship (Amendment) Act, 2019 distinguishes between and discriminates against citizens on the basis of religion, since it adds a proviso on the basis of religion, and discriminates in the favour of 6 religions and against muslims, atheists, tribals and numerous communities having other religious preferences. It is observed that the references to religion(s) in the provisions of law related to citizenship are unconstitutional and null and void ab initio.
- (b) The Citizenship (Amendment) Act, 2019 also discriminates against persons from all countries except Afghanistan, Bangladesh and Pakistan. There are persons from Nepal, Sri Lanka, Myanmar, Iran, China and other countries residing in India who must also be given equality before the law and equal protection of the law as provided by our Constitution, which this law fails to do. Refugees from religious/political persecution, climate change (islands being submerged) and economic collapse can be from any country. It is observed that the arbitrary references to specific countries in the provisions of law related to citizenship are unconstitutional and null and void ab initio.

- (c) It is seen that the data to be collected in the next few weeks for preparing the NPR includes new fields that are to be used by a bureaucrat to decide and classify 'doubtful citizens'. Once so classified, a 'doubtful citizen' will have to satisfy the bureaucrat by providing documents in evidence of his citizenship. The procedure is completely arbitrary and endows the bureaucrat with unlimited powers to grant or deny citizenship to people at his own discretion. Such discretionary powers can easily form the basis of large scale targetting of the minorities, poor and the oppressed classes, even leading to genocide and ethnic cleansing.
- (d) The Gram Sabha observes that there are crores of people who are poor, illiterate, homeless, orphans, transgender, mentally or physically challenged, working or living in other parts of the world, senior citizens, landless, living on the streets, living in the forests, etc who will not be able to provide satisfactory information regarding their births and the births of their parents, while the rich and the educated will not have any such issues. The data to be collected under the NPR, which will allow the identification of 'doubtful citizens', is therefore discriminatory. The forms for collection of NPR data, which can be used to prepare the NRC excluding the weakest of the weak, are unconstitutional and in violation of Articles 14 and 15 (1) of our Constitution.
- (e) It is observed that the census involves a detailed questionnaire aimed at gathering general data about the population of India. In Census 2011, the enumerator had to fill 29 particulars such as age, gender, marital status, occupation, religion, birthplace, disability, mother tongue, and if they belonged to Scheduled Caste or Scheduled Tribe classes. The NPR process collects demographic and biometric particulars of individuals. Both processes involve door-to-door enumeration but NPR differs from the Census in the sense that its objective is to have a comprehensive identity database of those residing in India. The Census does not identify individuals.
- (f) The experience of preparing NPR and NRC in Assam shows that many people short listed as 'doubtful citizens' will not be able to produce documents to prove their citizenship, making them stateless persons to be detained in detention centres. Of the crores so disenfranchised, only those belonging to any of the six religions will have any hopes of getting their citizenship rights under the Citizenship (Amendment) Act, 2019, provided the Central Government so desires.
- (g) It is observed that despite huge protests across the country, the Government is going ahead with the preparation of NPR and NRC without rectifying the unconstitutional and discriminatory provisions of the Citizenship (Amendment) Act, 2019, though its discriminatory nature (by listing only 6 religions) is patent and obvious to everyone.
- (h) It is therefore concluded that the NPR, NRC and Citizenship (Amendment) Act, 2019 seen together will result in unfettered powers in the hands of the bureaucrats to discriminate against many people living in India, especially against the followers of religions other than the six listed in the Citizenship (Amendment) Act, 2019, or those who are members of scheduled tribes, scheduled castes, other backward classes, the poor, illiterate, homeless, orphans, transgender, mentally or physically challenged, working or living in other parts of the world, senior citizens, landless, living on the streets, living in the forests, etc.

On the basis of the above facts and reasons, the Gram Sabha of Village Panchayat unanimously resolves to completely oppose and reject the Citizenship (Amendment) Act, 2019 and to refuse to give any data for any census, survey or for the NPR, until the unconstitutional Citizenship (Amendment) Act, 2019 is repealed or its discriminatory provisions are amended to include all religions including Muslims, atheists and others, and persons from from all countries, the enumeration for National Population Register (NPR) is stopped, section 14A of the Citizenship (Amendment) Act, 2003 is repealed, and the amendments done in 2015 and 2017 to Foreigners Order, 1948 and to Passport (Entry to India) Rules, 1950 are repealed.