



Lok Sabha



THS MUN 24

THSMUN 2024 LOK SABHA Study

Guide 1:

**Agenda : Deliberation on the
impediments associated with the
implementation of the
Citizenship Amendment Act
2019**

Freeze Date : August 1st , 2019



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Chairperson's Address:

As Speaker of the Lok Sabha , it is my pleasure to welcome you to this session of the Lower House of the Indian Parliament discussing some critical issues that led to a paradigm shift in our nation's future . As an Indian Committee loyal throughout my MUN journey true to my experience this committee will be encouraged and ensured to be dynamic , fast paced and anything but silent . As Speaker and the executive board , we purely expect good debate and upholding utmost parliamentary spirit , decorum and democratic principles and conducting your research and preparation for this committee keeping quality and not quantity in mind . For all intents and purposes this guide is in no way meant to be exhaustive or in the other words the end of your research , this guide merely seeks to be a base for what you present in committee and the executive board strongly recommends for all delegates to take a debate driven approach in committee along with the usual semantics of this dynamic forum. The Agenda itself envelopes the sheer controversial nature of this committee and enhances it to a point where it in present time has earned its rightful place as one of the most polarising decisions in Indian Legal History , The Citizenship Amendment Act lends itself to the ever controversial and ground breaking decisions taken by the government , although not yet passed as a bill in committee , the CAA inherently is a topic of debate as we go back in time way before it was put to paper to the root of this piece of legislation that shook the very heart of the Indian political landscape And in true Lok Sabha spirit , it can indeed always get to more controversial , the second agenda , perhaps more controversial than the first , lends itself the name of often being the evergreen topic of debate since the very beginning , from political street protests , mysterious deaths , slogans , wars , the region concerning this agenda has seen it all with the ever so necessary sprinkle of terrorism on top of the never ending chaos . We urge you to be prepared for the given agenda and for what's to come . See you in Parliament !

- Krish Prahaladka (Speaker)
- Hitansh Kedia (Deputy Speaker)
- Rajveer Singh (Deputy Speaker)



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Citizenship Amendment Act Guide:

Manifesto Idea of CAA :

The Citizenship Amendment Act (CAA) of 2019 was a significant piece of legislation passed by the Bharatiya Janata Party (BJP) government in India. Rooted in their manifesto promises, the BJP aimed to address the status of particularly those from neighbouring countries facing religious persecution. Here's an in-depth exploration of the BJP's stance on the CAA, as reflected in their manifesto and subsequent actions.

BJP's Manifesto Promise:

The BJP's manifesto for the 2019 Lok Sabha elections outlined a commitment to addressing the issue of illegal immigration. It highlighted the party's intention to enact the Citizenship Amendment Bill (CAB) to grant Indian citizenship to persecuted minorities from neighbouring countries, specifically Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians, who had fled to India seeking refuge.

Historical Context:

The issue of illegal immigration, particularly from Bangladesh, has been a longstanding concern in Indian politics, especially in border states like Assam and West Bengal. The BJP, in its manifesto, acknowledged the demographic and socio-economic challenges posed by illegal immigration and pledged to take steps to address this issue.

Key Provisions of the CAA:

The Citizenship Amendment Act, which eventually became law in December 2019, provides a path to Indian citizenship for undocumented immigrants belonging to specified religious minorities from Afghanistan, Bangladesh, and Pakistan. It amended the Citizenship Act of 1955 to grant citizenship to Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians who arrived in India before December 31, 2014.



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Rationale Behind the CAA:

The BJP government justified the CAA as a humanitarian gesture to provide protection and a secure future for religious minorities facing persecution in neighbouring Islamic countries. It argued that these communities, particularly Hindus, had faced religious discrimination and violence in their home countries and sought refuge in India. The CAA aimed to alleviate their plight by offering them a legal pathway to citizenship.

Criticism and Controversy:

Despite its intentions, the CAA sparked widespread criticism and protests across India. Critics argued that the law was discriminatory as it excluded Muslims, the largest religious minority in India, from its purview. They contended that the exclusion of Muslims violated the secular principles enshrined in the Indian Constitution and undermined the country's tradition of religious pluralism.



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Assam Accord and Northeastern Concerns:

In the northeastern states, particularly Assam, the CAA triggered apprehensions about its potential impact on indigenous communities and cultural identity. The region has a history of ethnic tensions and movements against illegal immigration, culminating in the Assam Accord of 1985. Critics feared that the CAA could lead to a demographic shift in the region by granting citizenship to Hindu immigrants, thereby diluting the indigenous population's political and cultural influence.

Legal Challenges and Judicial Scrutiny:

The CAA faced several legal challenges in the Supreme Court of India, with petitioners arguing that it violated the fundamental rights guaranteed by the Constitution, including the right to equality and secularism. The apex court agreed to hear petitions challenging the constitutionality of the law but deferred its decision pending resolution of related issues, such as the implementation of a National Register of Citizens (NRC).



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Government's Response and Outreach Efforts:

In response to the protests and criticism, the BJP government launched an outreach campaign to dispel misconceptions about the CAA. It sought to reassure Muslims and other communities that the law did not threaten their citizenship rights and was aimed solely at providing relief to persecuted religious minorities. However, these efforts were met with scepticism and continued opposition from various quarters.

Future Implications and Challenges:

The implementation of the CAA remains a contentious issue in Indian politics, with its long-term implications still uncertain. The BJP government faces the challenge of addressing the concerns and grievances of dissenting voices while upholding its commitment to providing refuge to persecuted minorities. The resolution of legal challenges and the outcome of future elections will likely shape the fate of the CAA and its impact on India's socio-political landscape. In conclusion, the Citizenship Amendment Act of 2019 reflects the BJP's manifesto promise to address the issue of illegal immigration and provide citizenship to persecuted religious minorities from neighbouring countries. However, its implementation has been marred by controversy and criticism, highlighting the complex challenges of reconciling humanitarian concerns with constitutional principles of equality and secularism. The ultimate outcome of the CAA remains uncertain, subject to judicial scrutiny, political dynamics, and public sentiment.



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Situation of minorities in Neighbouring Countries

Understanding the situation of minorities in neighbouring countries of India requires a comprehensive examination of historical, socio-political, and religious dynamics that have shaped their experiences. This exploration encompasses countries such as Pakistan, Bangladesh, Afghanistan, Nepal, Bhutan, and Myanmar, each with its unique set of challenges and complexities concerning minority rights. Here, we delve into the situation of minorities in these countries and provide examples of atrocities committed against them.

(continued on the next page.)



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1. Pakistan

a. Ahmadiyya Muslims: Ahmadiyyas in Pakistan have faced severe persecution due to their belief in the 19th-century Islamic reformist Mirza Ghulam Ahmad as the Messiah. In 1974, Pakistan amended its constitution to declare Ahmadiyyas as non-Muslims, effectively stripping them of their religious identity. Ahmadiyyas are subjected to discrimination, violence, and legal restrictions on practising their faith. Mosques and other places of worship belonging to Ahmadis have been attacked, and individuals have been targeted for their beliefs.

b. Christians: The Christian minority in Pakistan, comprising a very minimal percentage of the population, faces discrimination and violence, often stemming from accusations of blasphemy or forced conversions. Incidents of attacks on churches, mob violence, and targeted killings have been reported. The notorious case of Asia Bibi, a Christian woman falsely accused of blasphemy, garnered international attention and highlighted the plight of religious minorities in Pakistan.

c. Hindus: Hindus constitute the largest religious minority in Pakistan, making up around 1.85% of the population. Hindu girls, in particular, have been victims of forced conversions and marriages, often facilitated by powerful individuals and religious extremist groups. Temples and Hindu properties have also been subjected to vandalism and desecration, contributing to a climate of fear and insecurity among the Hindu community.



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2. Bangladesh:

a. Hindus:

The Hindu minority in Bangladesh has faced a long history of discrimination, violence, and land confiscation. Incidents of targeted attacks on Hindus, especially during periods of political unrest, have been reported. Hindu temples have been vandalised, and Hindu families have been forcibly evicted from their homes. The issue of abduction and forced conversion of Hindu girls for marriage remains a significant concern, leading to tensions within the community.

b. Indigenous Communities:

Indigenous communities, such as the Chakma, Mro, and Marma, face marginalisation and land dispossession in the Chittagong Hill Tracts (CHT) region. The construction of dams, military occupation, and government-sponsored settlement programs have disrupted their way of life and traditional land tenure systems. Human rights organizations have documented cases of violence, torture, and extrajudicial killings targeting indigenous activists and leaders advocating for their rights.



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3. Afghanistan:

a. Hazaras:

The Hazara community in Afghanistan, predominantly Shia Muslims of Mongolian and Central Asian descent, has been targeted by Sunni extremist groups such as the Taliban and ISIS. Hazaras have faced massacres, bombings, and targeted killings, including attacks on schools, mosques, and cultural centres. The 2021 attack on a girls' school in Kabul, which killed dozens of Hazara students, underscored the vulnerability of minority communities in Afghanistan's volatile security environment.

b. Sikhs and Hindus:

The Sikh and Hindu minorities in Afghanistan, once thriving communities, have dwindled significantly due to decades of conflict, discrimination, and persecution. Targeted attacks, such as the 2018 suicide bombing in Jalalabad that killed Sikh and Hindu leaders, have instilled fear and prompted many members of these communities to flee the country. The 2020 attack on the Sikh gurdwara in Kabul further highlighted their precarious situation.



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4. Nepal:

Madhesis and Janajatis:

Ethnic and indigenous minorities, including the Madhesis and Janajatis, have long struggled for equal rights and representation in Nepal.

Discrimination based on ethnicity, language, and caste persists, particularly in areas such as the Terai region. The Madhesi movement of 2007–2008, which called for greater political inclusion and federalism, highlighted the grievances of marginalised communities and the need for social justice reforms.

5. Bhutan:

Lhotshampas (Bhutanese Nepali):

The Lhotshampa minority, of Nepali descent, has faced state-sponsored discrimination and forced expulsion in Bhutan. In the late 1980s and early 1990s, the Bhutanese government implemented policies aimed at "Bhutanization," which targeted the Lhotshampas' language, culture, and dress.

This culminated in the expulsion of tens of thousands of Lhotshampas, who became refugees in neighbouring countries such as Nepal and India.



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6. Myanmar:

a. Rohingyas: The Rohingya minority in Myanmar has been subjected to widespread persecution, including violence, ethnic cleansing, and genocide. The 2017 military crackdown, described by the United Nations as a "textbook example of ethnic cleansing," forced hundreds of thousands of Rohingya to flee to neighbouring Bangladesh. Rohingya refugees have recounted horrific accounts of killings, sexual violence, and destruction of villages at the hands of the Myanmar military and Buddhist extremists.

b. Chin, Kachin, and Shan: Ethnic minorities such as the Chin, Kachin, and Shan have also faced discrimination and human rights abuses in Myanmar. Conflicts between ethnic armed groups and the military have resulted in displacement, forced labour, and atrocities against civilians. The Chin, predominantly Christian, have experienced religious persecution, while the Kachin and Shan have been affected by the longstanding conflicts in their respective regions.

Conclusion:

The situation of minorities in neighbouring countries of India is characterised by a complex interplay of historical, political, and religious factors. From state-sponsored discrimination to communal violence and armed conflict, minorities across the region face a myriad of challenges in asserting their rights and maintaining their identities. The examples of atrocities highlighted above underscore the urgent need for concerted efforts by governments, civil society, and the international community to address the root causes of minority persecution and promote inclusive societies based on principles of equality, tolerance, and respect for diversity.



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The provisions suggested in CAA

1. The Act seeks to amend the Citizenship Act, 1955 to make Hindu, Sikh, Buddhist, Jain, Parsi, and Christian undocumented immigrants from Afghanistan, Bangladesh, and Pakistan, eligible for citizenship of India. In other words, the Act intends to make it easier for persecuted people from India's neighbouring countries to become citizens of India.

Note :The legislation applies to those who were "forced or compelled to seek shelter in India due to persecution on the ground of religion". It aims to protect such people from proceedings of illegal migration.

2. The amendment relaxes the requirement of naturalisation from 11 years to 5 years as a specific condition for applicants belonging to these six religions.

3. The cut-off date for citizenship is December 31, 2014, which means the applicant should have entered India on or before that date.

4. The Act says that on acquiring citizenship:

a. Such persons shall be deemed to be citizens of India from the date of their entry into India, and

b. All legal proceedings against them in respect of their illegal migration or citizenship will be closed.

5. It also says people holding Overseas Citizen of India (OCI) cards

i. an immigration

status permitting a foreign citizen of Indian origin to live and work in India indefinitely

ii. can lose their status if they violate local laws for major and minor offences and violations.

6. The Central Government or an authority specified by it in this behalf may, subject to such conditions, restrictions and manner as may be prescribed, on an application made in this behalf, grant a certificate of registration or certificate of naturalisation to a person.



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Opposition Reaction to CAA

The Citizenship Amendment Act (CAA) of 2019 elicited a wide range of reactions from opposition parties in India, reflecting diverse viewpoints, concerns, and political strategies. The opposition's response to the CAA was shaped by constitutional principles, socio-political considerations, and ideological differences with the ruling Bharatiya Janata Party (BJP). Here's an exploration of the opposition's reaction to the CAA, encompassing key arguments, protests, legal challenges, and political dynamics:

1. Constitutional Concerns:

a. **Violation of the principal of Secularism:** Opposition parties, particularly those aligned with secular ideologies, criticised the CAA for allegedly undermining the secular fabric of the Indian Constitution. They argued that by selectively granting citizenship based on religious criteria, the law violated the principle of equal treatment and non-discrimination enshrined in the Constitution. Critics viewed the exclusion of Muslims from the CAA's purview as discriminatory and antithetical to India's secular ideals.

b. **Threat to Equality:** Opposition leaders raised concerns about the CAA's potential to create a hierarchy of citizenship based on religious identity, thereby compromising the fundamental principle of equality before the law. They contended that privileging certain religious communities over others contradicted the Constitution's guarantee of equal rights and protection to all citizens, regardless of religion, caste, or creed.

2. Communal Polarisation:

a. **Divisive Agenda:** Opposition parties accused the BJP government of pursuing a divisive political agenda by enacting the CAA, alleging that the law was part of a broader strategy to polarise society along religious lines for electoral gains. They warned against the dangers of communalism and sectarianism, emphasising the need to uphold India's pluralistic ethos and promote harmony among diverse religious communities.

b. **Fueling Tensions:** Opposition leaders argued that the CAA, coupled with other controversial measures such as the National Register of Citizens (NRC) and the proposed National Population Register (NPR), had heightened communal tensions and created an atmosphere of fear and uncertainty, particularly among religious minorities. They criticised the government's rhetoric and policies for stoking fear and insecurity among vulnerable communities and called for greater inclusivity and tolerance in public discourse.



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3. Humanitarian Concerns: a. Exclusion of Muslims:

Opposition parties condemned the CAA for excluding Muslims, the largest religious minority in India, from its ambit. They viewed the law as discriminatory and unjust, arguing that persecution and religious discrimination were not limited to specific religious communities and that all victims of persecution should be eligible for protection and citizenship.

b. Refugees' Plight: Opposition leaders highlighted the plight of refugees and asylum seekers, including those from non-Muslim minority communities in neighbouring countries, who were not covered by the CAA. They emphasised the need for a comprehensive and inclusive approach to addressing the challenges faced by refugees, irrespective of their religious affiliation, and called for the protection of their rights and dignity.

4. Protests and Civil Disobedience: Opposition parties actively participated in and supported the nationwide protests against the CAA, organising rallies, sit-ins, and marches to voice their opposition to the law. Leaders from various political parties addressed crowds, highlighting the constitutional, ethical, and humanitarian concerns raised by the CAA and calling for its repeal or amendment. Civil society groups, student organisations, and activists also joined the protests, amplifying the opposition's message and mobilising public support against the law.

5. Legal Challenges: Opposition parties, civil liberties groups, and individuals filed multiple petitions challenging the constitutionality of the CAA in the Supreme Court of India. They argued that the law violated the fundamental rights guaranteed by the Constitution, including the right to equality, freedom of religion, and protection against discrimination. The apex court agreed to hear the petitions and issued notices to the government, signalling its willingness to examine the legal validity of the CAA.



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Sufism:

Sufism, a mystical form of Islam, emphasises the inward search for God and the cultivation of spiritual wisdom and love. It has a long and rich history in India, dating back several centuries. Sufi saints played a crucial role in spreading Islam in the Indian subcontinent, often through peaceful and syncretic means, by embracing local cultures and traditions. Despite its deep roots in Indian society,

Sufism has faced challenges over the years, including discrimination and persecution from both extremist Islamist groups and nationalist forces. The CAA, while ostensibly offering protection to persecuted religious minorities from neighbouring countries, notably excludes Muslims from its purview. This exclusion has raised concerns among Sufi communities about their status and security in India. For many Sufis, the CAA represents a betrayal of India's secular ideals and a departure from its inclusive ethos. They fear that the law could further marginalise Muslims, including Sufis, by codifying discrimination into the legal framework.

Additionally, some Sufi orders have expressed solidarity with their Muslim brethren and have joined protests against the CAA, viewing it as a threat to the pluralistic fabric of Indian society. However, it's essential to note that opinions within the Sufi community regarding the CAA are diverse. While some Sufis oppose the law on principle, others may see it as an opportunity to secure legal protection for persecuted minorities from neighbouring countries, such as Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians.



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Ahmadiyya Muslims:

The Ahmadiyya Muslim community is a religious movement founded in the late 19th century by Mirza Ghulam Ahmad in British India. Ahmad claimed to be the promised Messiah and Mahdi awaited by Muslims, a belief that led to the community's persecution by orthodox Islamic groups who consider the Ahmadiyya movement heretical. In Pakistan, where the Ahmadiyya community faces severe persecution, including legal discrimination and violence, the CAA's provisions could potentially offer a lifeline to Ahmadiyya Muslims seeking refuge in India. However, the law's exclusion of Muslims raises questions about whether Ahmadiyyas would qualify for protection under its provisions. Furthermore, the CAA's focus on religious persecution in neighbouring countries overlooks the persecution faced by Ahmadiyya Muslims within India itself.

Despite being citizens, Ahmadiyyas in India have encountered discrimination and violence, often at the hands of extremist groups. The CAA's silence on this issue has left many Ahmadiyyas feeling marginalised and vulnerable. In summary, both Sufis and Ahmadiyya Muslims find themselves in precarious positions in relation to the Citizenship Amendment Act of 2019. While the law offers potential benefits to persecuted minorities from neighbouring countries, its exclusionary nature and its implications for the status of Muslims in India have generated concerns and uncertainties within these communities. The debates surrounding the CAA highlight broader questions about India's identity as a secular and pluralistic democracy and the challenges of accommodating religious diversity within its legal and political framework.



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Need for CAA

The Citizenship Amendment Act (CAA) aims to protect individuals who have sought refuge in India due to religious persecution. It offers them a shield against illegal migration proceedings. To be eligible for citizenship, applicants must have entered India on or before December 31, 2014.

The CAA 2019 grants Indian citizenship to migrants belonging to Hindu, Sikh, Jain, Christian, and Parsi communities who faced religious persecution in Pakistan, Bangladesh, and Afghanistan. These rules streamline the citizenship process for eligible migrants, reducing the time required for naturalisation . The CAA would help to remove "legal barriers to rehabilitation and citizenship" and "give a dignified life to refugees who have suffered for decades", the government sources explained. They asserted that citizenship rights will protect the cultural, linguistic, and social identity of the refugees while ensuring economic, commercial, free movement, and property purchase rights. Amid sharp criticism from the opposition rank, the Centre categorically said that CAA "will not take away citizenship of any Indian citizen, irrespective of religion".



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This Act is only for those who have suffered persecution for years and have no other shelter in the world except India," they said. To allay fears of the minority community here, Amit Shah had earlier stated that the CAA, which was a promise of the previous Congress regime, is meant to give citizenship and not take it away. "Minorities in our country, and especially our Muslim community, are being provoked. CAA cannot snatch away anyone's citizenship because there is no provision in the Act. CAA is an act to provide citizenship to refugees who were persecuted in Bangladesh and Pakistan," he had earlier stated. Over the years Hindus in neighbouring countries have faced extreme persecution and have been victims of rape, assault, forced conversions, abductions, murder, etc. The law is intended to offer protection and legal status to these minority groups who have faced religious persecution in their home countries.



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Questions to be answered in committee

The committee should strive to address these concerns in committee :

- 1. Is the CAA constitutionally permissible and ideal?**
- 2. What is the effect of CAA on the growing hindu-muslim divide in the country ?**
- 3. Possible reforms to implementation of the CAA .**
- 4. Impact of international relations on implementation of the CAA .**

Note : The Study Guide for the second agenda will be provided after the reveal of the second agenda in committee by the chairperson.