

CITIZENSHIP AMENDMENT ACT (CAA): AMBEDKARITES AFTER AMBEDKAR

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Abstract

This paper is an endeavor to understand and explain the continuance and departure of Ambedkarites from the core ideas of Dr. Bhimrao Ambedkar through the current burning issue of the Citizenship Amendment Act which created nuisance in the national capital city of India and other parts claiming many lives and thousands of crores worth of properties. It has been a highly discussed and disputed topic in the academic world too. A clear-cut divide between opponents and proponents could be seen everywhere. The purpose of this paper is to know about CAA and assess those issues which are being discussed in this context. Supporter groups argue the act stands with those people who are religiously persecuted in three neighboring countries and 80% of them are Dalits which makes the act an advancement of the vision of Dr. B R Ambedkar. On the other hand, many Muslims and other organizations are opposing it. Organizations like Bheem Army, a self-proclaimed outfit working on the vision of Dr. Ambedkar, are among the opponents and propagating that this act is against the vision of Dr. B R Ambedkar. Thus, this paper attempts to analyze claims of both proponents and opponents.

Keywords: Ambedkarites, CAA, Gandhi, religious minority, persecution, partition, social justice.

Introduction

The name of Dr. B.R. Ambedkar is written in golden letters in the history of India as a champion of social justice. He was one of the architects of the Indian Constitution and a crusader of social justice for the betterment of the oppressed in the society. Ambedkar was inspired by Equality, Liberty, and Fraternity, which were the ideals of the French Revolution. His idea of social

justice was based on these values. When Ambedkar talks about equality, he keeps in mind that absolute equality can't provide social justice. Ambedkar was aware that the socio-economic and political condition of Dalits in India is very poor; they have been oppressed for hundreds of years. They do not belong to the mainstream. In this condition, absolute equality will not provide social justice. So, Ambedkar advocated differentiated equality. This idea talks about special provisions for the downtrodden, that's why Ambedkar supported the idea of Affirmative Actions (Nayyar, 2011).

Ambedkar had experienced discrimination from his childhood. Even after getting the higher degrees, when he came back to India and started his job, he felt that he was being discriminated against because of his caste (social identity). Therefore, he decided to fight against this social system and started the movement against it, for example- Mahad Satyagraha and Temple Entry Movement etc. The motive of all these movements was to make a social-justice based inclusive society, where everyone would be treated equally. Ambedkar firmly believed that equality can't be absolute in its term, but there should be Equality among Equals. That's why he said that the base of differentiated equality should also have a social base, if there is a social based inequality. This was the reason behind supporting reservation on the basis of social backwardness, by Ambedkar (Nayyar, 2011). Ambedkar was very sure that differentiated equality must be on that basis on which discrimination occurs. On this point, his idea differs from the Communists, who always try to find problems and solutions through an economic angle. Ambedkar says that a poor Brahmin gets more respect than a rich Dalit. So, the problems of Dalits can't be solved by economic treatment only (Ambedkar, 2014, p. 25). When the constitution was being framed, he was conscious about putting provisions of social justice in the constitution. The constitution of India provides fundamental rights and directive principles to the state policies and these provisions are associated with the social, economic, political rights of people in India.

Ambedkar and CAA issue

The chief architect of the Indian Constitution Dr. B R Ambedkar had foreseen the present predicament of Hindu minorities in a theocratic state like Pakistan, and that is the reason why he strongly advocated for the transfer of population between the two nations. Dr. Ambedkar wanted to bring all Dalits to India 'by such means as may be available to them' who were trapped in Pakistan. Ambedkar argued that choosing Pakistan or Hyderabad and putting their faith in them would be deadly to them. Ambedkar argued just because Dalit didn't like Hindus, they can't suppose Muslims as their friend (Keer, 1954, p. 399). He reiterated that it was deadly for the scheduled castes to keep their faith

in Muslims or the Muslim League. He repeatedly warned Dalits in Pakistan and Hyderabad against siding with Muslims just because they disliked upper-caste Hindus. He thought it as a mistaken view (Ambedkar, 2014, p. 115).

Dr. Ambedkar criticized Nehru and Indian National Congress, and blamed them for their Muslim appeasement policy. He said this policy directly resulted in their disregarding of Dalits. During a public address at Jullundur, in October 1951, Dr. Ambedkar said that there was no place for the scheduled castes in the heart of the Congress Party and added that Nehru suffered from Muslim-mania and his heart was pitiless to the scheduled castes (Keer, 1954, p. 438).

Dr. Ambedkar believed that a non-Muslim can't live in an Islamic republic. He said that Islam is a close corporation; distinction that is made between Muslims and non-Muslims is very clear, real and positive. He continued that the brotherhood of Islam is narrow and it's not the universal brotherhood of man. Brotherhood of Islam is the brotherhood of Muslims and for the Muslims only. There is a fraternity in Islam, but its benefit is confined to Muslims only. For those who are outside the corporation, only contempt and enmity are there for them (Ambedkar, 1946, p. 330). Ambedkar further said that Muslim canon law divides world into two parts, first Dar-ul-Islam (abode of Islam) and second Dar-ul-Harb (abode of war). If a country is Dar-ul-Islam that means it is being ruled by Muslims, and if Muslims live there but don't rule, means the country is ruled by non-Muslims that is Dar-ul-Harb. Ambedkar further stated that according to the cannon law of Muslims, India can't be common mother land of the Hindus and Muslims till it becomes Dar-ul-Islam (Ambedkar, 1946, p. 294).

That was the reason behind supporting the complete population transfer by him. Substantiating his argument for a population exchange, he explained that a Hindu, and any non-Muslim, is a Kafir to the Muslims and a Kafir (non-believer in Islam) is not worthy of respect for a Muslim. A Kafir is low-born and he is without status. Ambedkar continued that a country ruled by the kafir (non-Muslim) is a 'Dar-ul-Harb' to a Muslim, which means the land of war and according to Islam, that land must be conquered, by any means for the Muslims and turned into 'Dar-ul-Islam', which means a land of Muslims alone. Ambedkar said it is enough evidence and further evidence is not needed to prove that the Muslims will not comply with a Hindu or any non-Muslim government (Ambedkar, 1946, p. 294).

Dr. Ambedkar's concern for the lives of Dalits in a hostile nation prompted demand for an exchange of population between both the countries India

and Pakistan, referring to the transfer of population between Greece and Bulgaria. As it was voluntary, he proposed to the leaders of both sides, India and Pakistan, a transfer of population between India and Pakistan along the same lines (Ambedkar, 2014, p. 115). Within the passage of the Citizenship Amendment Act, the NDA Government has claimed that he has fulfilled a long pending dream of Dr. Ambedkar. While introducing the Citizenship Amendment Bill in Lok-Sabha, Home Minister of India Amit Shah clearly stated that the Act is not against the Muslims or minorities and it does not mention them even a single time in the act. Shah continued the Act simply sanctions citizenship to the actual victims of Partition, the religiously persecuted minorities of Bangladesh, Pakistan, and Afghanistan, to stake their natural claim for citizenship in India. Shah also tried to connect it with Dalit and said that this Act grants citizenship to the people, most of them are Dalit Hindus (who are born in servitude and die in penury) and tried to offer them a safe and dignified life in their motherland India. Shah raised a question on opposition and said that the stand of opposition parties is really surprising and it is beyond understanding why these parties resisted it with all their might. Mayavati and other Dalit leaders also opposed the Act when it could save the lives of millions of Dalits who happened to be victims of the Partition? It is because, these parties continue to be a prisoner of Muslim-mania (Muslim vote bank) of which Dr. Ambedkar had accused Prime Minister Nehru at that time. (The Hindu, 2020)

Ambedkar on Citizenship

When we read Ambedkar, we find that he is one of the most relevant political thinkers in India who touched all aspects of human life. In the constituent assembly when the citizenship issue was being discussed, members of the assembly put their view on Citizenship, Ambedkar also. Finally, the assembly accepted many provisions of it, in Articles 5 to 11 in the Indian constitution. They also give the right to the parliament to amend it according to the need of time. According to Article-5 of the Indian Constitution, from the enactment of it every person who has his domicile in India, and if he was born in India, and if either of his parents were India-born or who has been living in India for more than five years, shall be a citizen of India. (Bakshi, 1982, p. 2-4)

The draft of this Article was discussed in the Assembly on 10-12 August 1949. The debates regarding this draft article concerned proposals to include citizenship provision on the basis of religion. Some members solicited an inclusion of a residuary provision for citizenship based on religion. They argued that all Hindus or Sikhs, who are not the citizens of any other country, irrespective of their residence, should be entitled to the citizenship of India. One of the members urged against hyphenating religion and citizenship

(Constitution of India, 2021). Article-11 of the Indian Constitution deals with the power of Parliament in the matter of Citizenship. According to this Article, Parliament has power to amend the provisions of citizenship. Parliament can do this by just passing an Act, and no institution is above the parliament and no institution can overrule it. (Bakshi, & Kashyap, 1982, p. 2-4)

By giving unconstitutional statements, many state Governments had declared that they would not implement the CAA in the states. If we read article 245 and 255 of the Indian constitution, we can find that every state government is bound to follow the laws which are passed by the Indian Government, which seems to be a political tool to get political benefits by the political parties. Article-14 of the constitution talks about 'Equality before Law' as well as 'Equal protection of Law'. Article-14(2) states that equal protection of Law means Law will provide protection (facilities) to everyone (Bakshi, & Kashyap, 1982, p. 4). Article-15 of the constitution states that no discrimination will be there among citizens of India on the ground of religion, race, caste, sex or place of birth (Bakshi, & Kashyap, 1982, p. 4-5). One thing that is to be noted here is that this article is only for the citizens of India. These articles clearly give the right to the parliament to make any provision of law for citizenship and every institution and state government is bound to follow that provision.

Nehru-Liaquat Pact

The debate on CAB in the Parliament was very common when it was being introduced in the Parliament. It included multiple contexts to the Nehru-Liaquat Pact which was signed between Prime Ministers of both the countries in Delhi in 1950. J. L. Nehru and Liaquat Ali Khan were the Prime Ministers of both the countries, India and Pakistan. Officially, the Agreement between Indian and Pakistani Govt., regarding Security and Minority Rights (Hindus, Sikhs, Buddhists etc.) was signed on April 8, 1950. This pact was signed in the backdrop of a large migration of people belonging to minority communities between both the countries, which happened in the wake of attacks on minorities by the majority communities in their respective territories.

Main cause behind this pact was the concern with the exodus of Hindus and Muslims from both sides, East Pakistan and West Bengal, respectively. The exodus of minorities, in Pakistan and India, led to a serious refugee problem in the subcontinent. Pt. Nehru and Liaquat Ali opened a channel of communication and reached an agreement in April 1950. The major issues given under the Nehru-Liaquat pact were to allow refugees to return to their previous homes to dispose of their property, to return looted property and abducted women in both the countries, and to confirm minority rights and not to recognize forced conversion (Nehru-Liaquat Pact, 1950).

It is noted that the Prime Minister of India Pt. Nehru had drawn attention to the fact that the minority rights were guaranteed by its Constitution in India; the similar provision has been pointed out by the Prime Minister of Pakistan Liaquat Ali, and adopted by the Constituent Assembly of Pakistan. (The Indian Express, 2019)

As a result of this agreement, minority commissions were established in both the countries to implement the provisions of the Nehru-Liaquat pact. This step led to the restoration of confidence among minorities in both the countries. But it was not satisfactory for Indian politics; in a surprising way, just two days before signing of the Nehru-Liaquat Pact, Shyama Prasad Mookerjee who was a minister in Nehru's cabinet, resigned from his post. He was not satisfied with this pact and the reason behind it was not trusting Pakistan. Mookerjee formed Bharatiya Jan Sangh, which was the precursor of Bharatiya Janata Party (Lok Sabha Secretariat, 1990). After Mookerjee many political leaders blamed the Nehru government on this issue. However, whether the Delhi pact achieved its goal is still debatable. The exodus of Hindus and other minorities from East Pakistan (now Bangladesh) continued to West Bengal and other parts of India for decades after the pact was signed.

In the current government, after introducing CAB, this issue has been part of debate and discussion again. The Home Minister of India, Amit Shah quoted that the three-pointed questions were asked by Jan Sangha leader Niranjana Varma to External Affairs Minister Sardar Swaran Singh, in August 1966. The questions were regarding present position of Nehru-Liaquat Pact, both the countries are acting according to the term of pact or not, and to know the time since Pakistan is violating this Pact (Dutta, 2019).

The answer of Swaran Singh was very important. He replied that the Delhi Pact of 1950 was a standing agreement between both neighboring countries India and Pakistan. Through this agreement, both countries have to ensure that their minorities are enjoying complete equality of citizenship with the majority. To the second question, Swaran Singh answered that even in India, the minority rights and security have been effectively safeguarded. Pakistan has continuously defied the provisions of this Pact, and has neglected and harassed the minorities. To the third question, Swaran Singh had replied that the examples of such violations came to notice immediately after the initiation of the Pact (Dutta, 2019).

Recently the Government of India has passed this bill, citing the above reasons for passing this Act. Home minister Amit Shah said that Pakistan had never followed the treaty, and the conditions of religious minorities in

these countries are very bad, they are persecuted. Shah rejected the criticism of opposition that the CAA discriminates against Muslims. The govt. has given data on the population of these countries and given the argument that the population of minorities is decreasing continuously because of forced conversion, killings, and persecution. Many researches and media reports say that the present situation of Hindus and other minorities in Pakistan is not good. In fact, a direct outcome of that mistake which was done during the Partition of both the countries can be seen now. Many people from these countries have migrated to India for shelter and it has been part of political and academic discussion.

Former Member of Parliament in Pakistan Farahnaz Ispahani, who has been media advisor to the President of Pakistan from 2008 to 2012, raised the issue of religious persecution of minorities in Pakistan in her book *Purifying the Land of the Pure: Pakistan's Religious Minorities*. She blames the successive Pakistan Presidents and Prime ministers for launching a slow genocide against minorities in the country to shore up their political base. She specifically blames Muhammad Zia-ul-Haq, the Pakistan army general who was the country's 6th president, for creating a militant group to target Shias, Ahmadis, Hindus, and Christians. She says from 23% in 1947, Pakistan's minorities today constitute a mere 3-4% of the population (Ispahani, 2017, p. 166).

CAA and misconceptions

The Citizenship (Amendment) Act, 2019 was passed on 11 December 2019 by the Parliament of India. It has amended the Citizenship Act, 1955 and provided a path to get Indian citizenship to those people who belong to minority communities and have been persecuted and fled from Pakistan, Bangladesh and Afghanistan, and had come to India before 31 December 2014. Such eligibility was not given to the Muslims from these three countries. The argument behind not giving such facilities to the Muslims was that they cannot face religious persecution in Islamic countries.

However, they can get Indian citizenship subject to the fulfillment of the conditions given in the Citizenship Act, 1955. Section-2 of the CAA gives the name of the communities and states that persons belonging to these communities (Hindu, Sikh, Buddhist, Jain, Parsi and Christian) can get citizenship, if they are from Afghanistan, Bangladesh or Pakistan and entered into India before the 31st day of December 2014 (The Citizenship Amendment Act, 2019).

When this bill was introduced in the parliament, a debate started in-house, and out of the house. Many political leaders started criticizing the government

and some of them held press conferences and some of them started protests against the government. Tension remained high after protests against the CAA turned violent in New Delhi on Sunday, 23 Feb 2020, when the police used tear gas to disperse crowds.

As we have seen there were many misconceptions regarding CAA; in the light of this and to remove such misconceptions the Press Bureau of India (PIB) posted several tweets and tried to bust the myths about the CAA. PIB tweeted in several posts about eleven most common misconceptions and countered them with facts. According to PIB, CAA will not trigger fresh migration of Hindus from Bangladesh, because most of the Hindus have already migrated from there, it has been reduced from 28% to 8%. PIB added that there is a cut-off date of 31 December 2014, the people who have come after that will not get benefit of this act. PIB clarifies that giving Citizenship is a constitutional process, and the aim of this Act is to give citizenship to the genuine refugees, not intruders (PIB, 2019 December 15). Main purpose of this tweet was to pacify the rumors in the society.

Stand of Ambedkarites on CAA

We can see the difference between Ambedkar and Ambedkarites in this matter. One of the Ambedkarites, the Bahujan Samaj Party's head Mayawati has opposed this bill. She said that the CAA has made life arduous for Muslims. She asked Central Government to clear all the doubts of the Muslim community over the New Citizenship Act. BSP voted against the Citizenship Amendment Bill (CAB) in parliament and sent a delegation to meet the President of India to request him to withdraw the new amendments into the citizenship (Hindustan Times, 2019). Mayawati proved her hard stand on it, when she suspended party MLA Rama Bai for supporting the CAA (PTI, 2019). Another Ambedkarite organization Bheem Army has opposed CAA and said that this act is unconstitutional. Bheem Army chief Chandrashekhar Rawan participated in many rallies and protests, like the Jama Masjid protest. He challenged the Government to implement it (Mathur, 2020). He addressed the people who have been agitating against CAA and NPR in Uttarakhand's capital Dehradun by staging a Shaheen Bagh Style protest in the city's Parade Ground and challenged the Government that he would not let implement CAA. He also said that this act is not only divisive but against the unity of the country (Kalyan, 2020). Another Ambedkarite and Congress Party leader Udit Raj also opposed the Act and said that although he is a Buddhist, he opposes the Citizenship Amendment Act (CAA). He staged a Dharna at Jantar Mantar against CAA and said that this Act is an attack on the soul of the Indian Constitution. He continued that Article 14 of the Indian Constitution guarantees equality for all; so, no person can be discriminated against on the

basis of religion, caste, sex or birth etc. Therefore, he found that the act is discriminatory (Methri, 2019).

The details given above can prove that most of the Ambedkarites are against CAA, and their concern is discriminatory provision of this act. On the other hand, the Government of India claims that there is no discriminatory or unconstitutional provision. The BJP- led central Government claims that this act will provide citizenship to those people, most of them are Dalits; but no Ambedkarite is ready to talk on this point.

Conclusion

Dr. Ambedkar always tried to make Indian society more inclusive. He was very much aware about the situation of Dalits in India as well as in newly born Pakistan. So, it can be said that the vulnerable condition of non-Muslims in Pakistan after partition is considerable. We can say, if the partition of India is a historical truth, the Nehru-Liaquat pact was a historical blunder. Those, who never demanded for, and not even wished to live in an Islamic Nation Pakistan, how can they be forced to live there in such a country where their fundamental rights are not ensured.

Seven decades before, the Indian government had made a severe mistake and the current government is trying to correct it. If some people in Pakistan (country which has been made on the basis of Religion, whose religion is Islam) are being religiously persecuted, it is the moral and legal responsibility of Indian Government to provide them patronage.

So, those, who claim to stand with the idea of Dr. Ambedkar, have to stand with the interest of Dalits in such neighboring countries. Ambedkarites in India have different political interests nowadays. There are many issues in the current political scenario, which are contradictory with the basic ideas of Dr. B R Ambedkar, CAA is one of them. Such a scenario is very much visible in a slogan- 'Jai Bheem-Jai Meem' (Srinivas, 2015). If we read Dr. B. R. In Ambedkar's book 'Thought on Pakistan', we find that this type of slogan is a case of total departure from the view of Dr. Ambedkar.

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