

India Offers Refuge to Real Refugees, and is Savaged for It

by Hugh Fitzgerald



The story is [here](#):

India's parliament has passed a bill that would give Indian citizenship to immigrants from three neighboring countries – but not if they are Muslim.

The controversial Citizenship Amendment Bill (CAB) would fast-track citizenship for religious minorities, including Hindus, Sikhs, Buddhists, Jains, Parsis and Christians, from Afghanistan, Bangladesh and Pakistan.

Opposition parties say the proposed law is unconstitutional as it bases citizenship on a person's religion and would further marginalize India's 200-million strong Muslim community.

The proposed law is about refugees. It does not “base citizenship” on a person’s religion but offers a fast-track to citizenship to those refugees who have faced religious persecution; these refugees are non-Muslims who fled humiliation, persecution, kidnappings, forced conversions, forced marriages, and even murder, at the hands of the Muslim majorities in Pakistan, Afghanistan, and Bangladesh. Muslim Indians are being treated no differently from Hindu Indians; they all have the same rights as citizens, and this law does not “marginalize” 200 million Indian Muslims in any way.

The government, ruled by the Hindu nationalist Bharatiya Janata Party (BJP), said the bill seeks to protect religious minorities who fled persecution in their home countries.

That’s exactly right: the law does nothing more sinister than fast-track refugees who fled from religious persecution in India’s immediate neighbors. The law is supported by the BJP, which the mainstream media outside of India has long consigned to the outer darkness for daring to stand up for Hindu rights, in a country where 70-80 million Hindus were killed by Muslims. Mention the BJP and all right-thinking people are supposed to automatically reject whatever the party supports. It’s not just Hindus whom the BJP is helping with this law, however, but also the Sikh, Jain, Parsi, Buddhist, and Christian refugees who benefit equally; those who attack the law as promoting “Hindu supremacism” are ignoring all these other refugees. The law does not discriminate except in the most commonsensical way: the victimizer should not receive the same preferential treatment as the victims.

It cleared the Rajya Sabha, India’s upper house of parliament where the BJP lacks a clear majority, on Wednesday (December 10) with 125 votes in favor and 105 against.

The day before, lawmakers approved the bill 311-80 in the lower house of parliament – the Lok Sabha – which is

dominated by Indian Prime Minister Narendra Modi's BJP.

The bill will now be sent to the President to be signed into law.

"I think it is, without exaggeration, probably the most dangerous piece of legislation that we've had because it amounts to truly destroying the very character of the Indian state and the constitution," Harsh Mander, an Indian human rights activist and author, told CNN.

Mander said the very nature of the Indian constitution is that it is based on secular values.

This hysteria is unwarranted. The Indian state has not been "destroyed" by this law. Its citizens, whatever their religion, remain equal before the law. Free elections are still being held. India remains a government of laws. The secular constitution has not been amended, much less jettisoned. Human rights for all Indian citizens remain equally enforced – as they are not enforced in Pakistan, Bangladesh, and Afghanistan, countries where all non-Muslims live in fear of persecution, and far worse.

"Central to the idea was that your religious identity would be irrelevant to your belonging, and it's that which is being turned on its head. It's extremely worrying," he said.

But that is exactly the point: the Indians know that religious identity in Pakistan, Bangladesh, and Afghanistan determines everything. Non-Muslims in these three countries have been humiliated, persecuted, and killed for not being Muslims. Hindu, Sikh, and Christian girls have been kidnapped, forcibly converted to Islam, and married off to Muslim men. Hindus and Christians have been murdered in Pakistan and Bangladesh; Buddhists have been killed in Bangladesh.

India decided not to any longer simply be a mute witness to

this torment and with this new law has decided to allow these persecuted minorities, who have fled to India, to be given a fast-track to citizenship. Critics say this is discrimination against Muslims. Why are they not included in this program? But the answer is obvious: no Muslims are being persecuted, kidnapped, forcibly converted, or killed in Pakistan, Bangladesh, or Afghanistan. India is offering a rapid road to citizenship for those refugees – Hindu, Sikh, Buddhist, Jain, Parsi, and Christian refugees – who suffer from persecution by Muslims. The law is sensibly meant to cover only those refugees coming from India's immediate neighbors – Pakistan, Afghanistan, Bangladesh – it would not cover, for example, Christian refugees fleeing mistreatment in Egypt, Iraq, or Iran.

What “international law” is violated when fast-track citizenship is made available to those refugees who have been persecuted because of their religion? Do those protesting this law disagree that these non-Muslims have been persecuted, forcibly converted, even killed, by Muslims in their country of origin? Why should the victimizers receive the same benefits as those they have victimized? India cannot take in the persecutors and persecuted alike.

Modi celebrated the bill's passing on Twitter. “A landmark day for India and our nation's ethos of compassion and brotherhood!” he wrote. “This bill will alleviate the suffering of many who faced persecution for years.”

The bill's passage has drawn widespread opposition and protests, especially in the northeastern states.

Many indigenous groups there fear that giving citizenship to large numbers of immigrants, who came over the porous border with Bangladesh following independence in 1971, would change the unique ethnic make-up of the region and their way of life, regardless of religion.

The discontent is in Assam State, where the Assamese, three-quarters of whom are Hindus, do not want to be overwhelmed by ethnic Bengalis, whatever their religion. But only those non-Muslims who arrived before the declaration of Bangladesh's independence in 1971 would qualify for this citizenship, not the nearly two million who left Bangladesh after that date. The Assamese are needlessly alarmed about being swamped by non-Assamese.

Critics of the bill say it is another example of how Modi and his BJP party have pushed an agenda of Hindu nationalism onto secular India, a country of 1.3 billion people, at the expense of the Muslim population.

How is rescuing Christians, Sikhs, Jains, Buddhists, Parsis, and Buddhists – along with Hindus – an example of “Hindu nationalism”? Modi's party might have declared that it would fast-track only Hindu refugees, claiming – accurately – that Hindus are by far both the most numerous, and the most persecuted, of the religious minorities in Pakistan, Bangladesh, and Afghanistan. But it did not do so; this law does not reflect “Hindu nationalism.”

The BJP, which was re-elected in May, has its roots in India's Hindu right-wing movement, many followers of which see India as a Hindu nation.

In November, India's top court gave Hindus permission to build a temple on a disputed centuries-old holy site, which holds significance for both Hindus and Muslims. The ruling on the Ayodhya site was seen as a blow to Muslims and came at a time when Muslims increasingly see themselves as second-class citizens.

It was Muslims who destroyed the original ancient Hindu temple at Ayodhya, and used its ruins to build, right on top of where the temple had been, the Babri Mosque in 1527. Though

thousands of Hindu temples in India were destroyed by the Muslim conquerors, the one at Ayodhya had been especially revered, for it was built on the very spot where the Hindu deity Rama was believed to have been born. The building of the mosque on the ruins of the temple was a symbol of Muslim triumphalism. Hindus who destroyed the Babri Mosque in 1992, in order to rebuild the Hindu temple that had once stood there, were only taking back the site that meant so much to them, but that for Muslims had no religious significance in Islam but, rather, possessed a political meaning as the symbol of Islam's victory over Hinduism.

In 2018, India's Home Minister Amit Shah said Muslim immigrants and asylum seekers from Bangladesh were "termites" and promised to rid the nation of them.

The government maintains the bill is about protecting religious minorities who fled to India to avoid persecution by allowing them to become citizens.

Isn't that exactly what the bill is intended to do – giving citizenship to those who, as religious minorities in three Muslim neighboring countries, fled persecution. What better way to ensure they will never be returned to their countries of origin?

Shah said in a tweet that the bill "will allow India to open its doors to minorities from Pakistan, Bangladesh and Afghanistan who are facing religious persecution."

It is well known that those minorities who chose to make Pakistan, Bangladesh and Afghanistan their home had to constantly live in the fear of extinction," Shah said. "This amended legislation by Modi government will allow India to extend them dignity and an opportunity to rebuild their lives."

Modi tweeted that the bill, "is in line with India's

centuries old ethos of assimilation and belief in humanitarian values."

"The bill uses the language of refuge and sanctuary, but discriminates on religious grounds in violation of international law," said Meenakshi Ganguly, South Asia director at Human Rights Watch, in a statement.

What "international law" is violated when fast-track citizenship is made available to those refugees who have been persecuted because of their religion? When Jewish refugees were favored for resettlement in the U.S. after World War II, did that "discriminate on religious groups in violation of international law" or did that practice reflect the understanding that Jews had been especially ill-treated, and those who had survived the Holocaust deserved special consideration? Who would have called that policy a "violation of international law"?

Addressing parliament on December 9, Shah said that Muslims "will not benefit from this amendment because they have not been persecuted on the basis of religion."

Speaking to the Rajya Sabha on December 10, he added: "Who are you worried about? Should we make the Muslims coming from Pakistan, Bangladesh and Afghanistan citizens of the country? What do you want – that we give every Muslim coming from any anywhere in the world citizenship? ... The country cannot function this way."

The government run by Modi is keenly aware of the country's history – that is, the centuries of Muslim rule, when 70-80 million Hindus were killed. It knows, too, that while the percentage of the Hindu population in Pakistan has decreased from 24% in 1947 to 1.8% today, and in Bangladesh decreased from 22% in 1947 to 8.5% today, in India the percentage of the population that is Muslim has steadily increased from 9.8%

just after Partition to 14.2% today. These figures tell us a good deal about how Muslims have thrived, while non-Muslims have suffered, in the subcontinent.

The new Indian law should be applauded; it does not “marginalize” 200 million Indian Muslims; it does not violate “international law” or “overturn” the Indian Constitution, as its opponents excitedly claim. It does exactly one thing: the law provides a fast-track for citizenship to all those who have suffered persecution, as non-Muslims, in Pakistan, Bangladesh, and Afghanistan. It sensibly refuses to confer the same benefits on the Muslim victimizers as on their non-Muslim victims. In not backing down, Narendra Modi has proved that he is a stout protector of the persecuted, but not vengeful against their Muslim persecutors. Nor has he done anything to harm Indian Muslims. In history-haunted India, where the memory of those 70-80 million murdered Hindus vividly remains, what more can one ask?

First published in