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May 15, 2020

An Open Letter To Coalition of St Paul City of Council Letter (RES 20-712)

Dear Members of the St Paul City Council,

Global Indian Progressive Alliance (GIPA) is a grassroots organization (headquartered, New Jersey) that stands for bringing people together toward building progressive communities. We are also a community of dedicated members represented by academicians, researchers, scholars, political and civic leaders, businessmen/women, corporate leaders, grounded in scientific, evidence-based research, driven in the pursuits of facts, liberty, rationality, advocacy and social justice.

It is with this background of GIPA, we write to you in support of [Res 20-712](#), introduced by Honorable Jane L Prince, an elected member of the City Council.

Through this letter, we wish to set some records straight pertaining to Citizenship Amendment Act (CAA), 2019 and also to help the St. Paul City Council in making an informed decision toward adopting the said resolution.

First, CAA is not meant for religious persecuted populations. Comparing it with the US [Lautenberg Amendment, 1990](#) is akin to comparing apples and oranges, and a deliberate attempt to grossly misleading the community members. In fact, the CAA neither mentions ‘persecution’ nor does it state any specific reason in basing the decision to offer citizenship. Below is [verbatim](#) from the legislation (emphasis added).

[\(Section 2\)](#) “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.”

Second, the key aspect of this Act must be understood in the context of “*Act of Commission versus the Act of Omission*.” In other words, while we appreciate whom the law is helping (6 religious denominations from the three listed countries) but in doing so, we must not also deviate from bringing attention to whom the law is excluding and impacting (i.e., Muslims, Jews or Atheists). This in fact is the first major source of protests, both [inside](#) and [outside](#) India, and it must be regurgitated to the opposing voices.

Third, contrary to the claim that CAA gives [amnesty to the refugees](#), its arbitrary religious test has indicated otherwise and will force revictimization on selected persecuted minorities. For instance, it excludes Muslim persecuted population (e.g., Sufis, Shias, and Ahmadiyyas) from [those stated](#)



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[neighboring countries](#); excludes an estimated [95,000-odd Sri Lankan Tamils](#); an estimated [18,000 Rohingya Muslim](#) population fleeing religious persecution in Myanmar; and [Christians in Bhutan](#) reportedly facing persecution.

Fourth, coupled with the National Register of Citizens (NRC) exercise, CAA will ensue social chaos and disorder in India. Particularly, it will also impact people below the poverty line where the birth and death registration rate (despite constitutionally mandated registration of births and deaths Act of 1969) is varyingly low minimal owing to [lack of infrastructure](#). Evidently, there are several unintended consequences cutting across religious and socio-economic classes. *Allow us to offer one real-life case-scenario.*

Under the aegis of Supreme Court guidelines, Citizenship Act of 1955, and Assam accord of 1985, NRC exercise was conducted in [Assam](#). With a population of 32.9 million, this exercise identified [1.9 million undocumented individuals](#) out of which about 700,000 were Muslims. What this means is that under the new Citizenship Amendment Act of 2019, 1.2 million non-Muslims will be en route to fast-track citizenship; whereas, nearly [700,000 will be sent to the foreign tribunals, followed by detention camps](#), for their only unique crime being Muslims.

Fifth, while CAA makes no mention of ‘religiously persecuted’ people, understandably it includes exemptions of certain groups under Passport (Entry into India) Act or the Foreigners Act. *Notably though*, both these aforementioned Acts have also been [challenged](#) in the Supreme Court in 2015 for the same discriminatory reasons and are still [pending](#) before the apex court. “[By extension and in simpler words](#), the CAA is an illegal construction on an alleged illegal foundation – such a building cannot stand tall for long.”

Finally, even if the global community were to consider the misgivings that CAA aids ‘*millions of religious persecution*,’ as propagated at Council’s January meeting, official accounts suggest otherwise, once again. Per Indian Intelligence Bureau report to the Joint Parliamentary Committee (JPC), only “31,313 persons belonging to [minority communities stand as immediate beneficiaries](#), specifically 25,447 Hindus, 5807 Sikhs, 55 Christians, 2 Buddhists and 2 Parsis, facing religious persecution in their respective countries.” Again, we appreciate the given amnesty, but we also caution about the Act of Omission, i.e., the exclusion of Muslims, Jews and Atheists from the law.

It now therefore begs the question to all of our community members - how does the City of St Paul that is built on the back of people of all faith, religion, color define religious discrimination and what does it stands for?

The CAA 2019, has also led to the following responses from the global community and even within India:

1. At the last count, four Indian States have moved anti-CAA resolutions, [Kerala](#), [Punjab](#), [Rajasthan](#), and [West Bengal](#).



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2. NJ Governor Phil Murphy called the law as [religiously intolerant](#).
3. US Senator Bob Menendez called for “[swift reversal](#)” of the law
4. US Commission on International Religious Freedom (USCIRF) – an independent, bipartisan federal government entity established by the U.S. Congress, indicated the law as [deeply troubled](#), and has called for the [US to Oppose CAA, Sanction Indian Officials](#)
5. UN Human Rights has called the Act, “[fundamentally discriminatory in nature](#).”
6. [Rep. Deb Haaland](#) has urged PM Modi to “[rescind the law immediately](#).”
7. Nobel laureates and noted economists, Drs. Amartya [Sen](#), Abhijeet [Banerjee](#), and Esther [Duflo](#) have found CAA unconstitutional and have expressed serious doubts over it.
8. Microsoft CEO, Mr. Satya Nadela called CAA [sad](#).
9. Among this growing list of prominent individuals and organizations, [European Parliament](#) has tabled a resolution ([2020/2519\(RSP\)](#)) urging the Indian authorities to ‘consider the demands of protestors to repeal the discriminatory CAA.’
10. This law is called into question, being in violation of the United Nations Universal Declaration of Human Rights 1948 (esp., Articles 5, 9, 14) and Article 26 of the International Covenant on Civil and Political Rights, of which India is a signatory member, and finally as it stands, this law also is in violation of her own Constitution (secular foundation, 42nd Amendment), Articles 14, 21, and 25.

Post CAA (Jan - April 2020)

Saffronisation of Delhi

“Amidst the peaceful sit-ins and protests by thousands of Indians including women and student population in response to CAA, a BJP [leader’s ultimatum to Delhi Police threatening to](#) use any means to clear the roads in Jaffrabad and Chand Bagh once President Donald Trump leaves India, was not an empty threat.

Subsequently, the city witnessed communal violence resulting in [over 56 civilian fatalities](#), with [over 250 people severely injured](#) and infrastructure loss.

The visuals of [youth vandalising, burning mosques](#) and [placing a saffron flag](#) while sloganeering a [religious war cry](#) mirrored the Babri Masjid demolition.

Modi’s [decisive mandate](#) in the 2019 elections was an opportunity to turn India around but his party’s tunnel vision of India as a [Hindu nation](#) stands in the way.

In bringing in Acts that have shaken India’s foundation, compromising key institutions’ independence, and saffron supremacy that has brought India to the brink of an ethnic conflict with devastating consequences, the truth remains that women and citizens protesting to safeguard India’s democracy, wounded students and broken bodies protecting India’s secular values and social fabric are *not* the real enemy today.”



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United States Commission on International Religious Freedom report: Latest USCIRF (2020) [report](#), stated India as a country of Particular concern for the first time after 2004 due to increased religious intolerance and atrocities against Muslims.

Human Rights Watch: The exclusion and atrocities against Indian Muslims are clearly explained by Human Rights Watch in their [report](#), “Shoot the traitors, discrimination against Muslims under India’s New Citizenship Policy” , 9th April, 2020.

Through this letter, at the hearing next week, we also urge the City Council leadership to question the Pro-CAA groups the following questions:

1. Do they recognize, in using religion as a test for citizenship, CAA is in violation of the United Nations Universal Declaration of Human Rights and International Covenant of Civil and Political Rights, amounting to religious discrimination. (a Yes or No?)
2. Do they recognize, per CAA [the](#) undocumented Muslims stand disenfranchised, stateless, and will be sent to detention camps ([here](#), [here](#), and [here](#)), and they still support it? (a Yes or No?)
3. Would they elaborate, for how long this otherwise self-sustaining undocumented population, including Muslim women and young children, stand incapacitated in those camps? We are already looking at 700,000 population sizes from Assam.
4. Shouldn’t the government that claims “*Sabka Saath, Sabka Vikas, Sabka Vishwa*” (together with all, development for all, the trust of all) stay true to their leader’s vision and in fact assist in rehabilitating the undocumented Muslims also?
5. Importantly, and hypothetically speaking, should the US, being a Christian majority country, bring new legislation indicating all religions but say, second-generation Hindus will be eligible for citizenship, would that be acceptable to the Pro-CAA rally group?

We wish nothing but the best for India but are also deeply concerned with the current political climate in India. The trilogy of CAA-NRC-NPR is likely to pave the way to unprecedented disenfranchisement, mass incarceration, and human rights abuse.

We are also gravely concerned with the rise of extreme far-right fundamentalist radicalism being spread by select groups of overseas Indian citizens in the US. Their attempt to legitimize fundamentalist and radical Hindutva [Saffron-Supremacist](#) voices does not represent the majority of the progressive Indians, who firmly believe in secular, pluralistic and democratic values of the two related countries.

Through this letter, therefore, we call upon St. Paul City Council and other entities to take cognizance of the growing radical fundamentalist voices propagating communalism in the US. It is a matter of grave concern, should communal polarity and caste-based politics be bred into the social fabric of this great country.



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We also call upon the social media firms (Facebook and Twitter) to examine their platforms, for they are being consistently used to spread communalism, and hate propaganda in the US against various religious or ethnic groups.

Evidently, [Seattle](#), [Cambridge](#) and [Albany](#) city councils have already passed similar resolutions ‘welcoming their cities and expressing solidarity with the South Asian community regardless of religion and caste, and opposing India's National Register of Citizens and Citizenship Amendment Act.’ We welcome St. Paul’s initiative and getting in the list of being the first five cities in the US to emphasize their stance on religious freedom.

In the current times of public health crisis caused by CoronaVirus, the global community must recognize that our success depends on joining our hands and not on dividing communities by race, color, gender, or sexual orientation.

In closing therefore, through this letter, we fully extend our support to the Coalition and strongly urge the City Council members to recognize the need to uphold a higher moral ascendancy in these difficult and challenging times. We look forward to the successful passage of the resolution 20-712.

Respectfully,

On Behalf of Global Indian Progressive Alliance

CC: GIPA/5.15.2020/St Paul City Council