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Lok Sabha

Agenda 1: Administration of CAA with Special Emphasis on the Qualifications of Indian Citizenship.

What is the Citizenship Amendment Act?

The Citizenship (Amendment) Act, 2019 (CAA) is an act that was passed in the Parliament on December 11, 2019. The 2019 CAA amended the Citizenship Act of 1955 allowing Indian citizenship for Hindu, Sikh, Buddhist, Jain, Parsi, and Christian religious minorities who fled from the neighboring Muslim majority countries of Pakistan, Bangladesh and Afghanistan before December 2014 due to "religious persecution or fear of religious persecution". However, the Act excludes Muslims. Under CAA 2019 amendment, migrants who entered India by December 31, 2014, and had suffered "religious persecution or fear of religious persecution" in their country of origin, were made eligible for citizenship by the new law. These types of migrants will be granted fast track Indian citizenship in six years. The amendment also relaxed the residence requirement for naturalisation of these migrants from eleven years to five.

What is the controversy around the Act?

The fundamental criticism of the Act has been that it specifically targets Muslims. Critics argue that it is violative of Article 14 of the Constitution, which guarantees the right to equality.

The government, however, maintains that the Bill aims to grant citizenship to minorities who have faced religious persecution in Muslim-majority foreign countries. BJP leaders, including Prime Minister Narendra Modi, have spoken

of this Bill as righting the wrongs of history by granting refuge to the sons and daughters of “Ma Bharti”, who were left stranded by Partition.

In the Northeastern states, the prospect of citizenship for massive numbers of illegal Bangladeshi migrants has triggered deep anxieties, including fears of demographic change, loss of livelihood opportunities, and erosion of the indigenous culture.

Almost the entire Northeast was wracked by massive protests for more than a month leading up to the anticipated introduction of the Bill in Rajya Sabha earlier this year.

The BJP has, however, always underlined its determination to bring in the Bill. Home Minister Amit Shah has linked the passage of the Bill with a nationwide National Register of Citizens (NRC), suggesting that even if the Assam NRC erred in leaving out some non-Muslims, the Citizenship (Amendment) Bill would fix the error.

What is the Centre's logic behind the bill?

The government has described the CAA as an inherently “humanitarian” one, arguing that it will aid minorities trying to escape religious persecution in Muslim-majority nations.

In an interview to Network18 back in 2019, Union Home Minister Amit Shah had explained the Narendra Modi government’s stand to offer citizenship to only Hindus, Christians, Buddhists and Jains, but not Muslims.

“The reason is if minorities from Afghanistan, Pakistan and Bangladesh come here to save their lives, they are refugees and not illegal immigrants. If someone comes here to earn livelihood or to disrupt law and order, then they are intruders,” Shah had said.

Clarifying that he did not mean that Muslims are intruders, Shah added: “It is not possible for them to be religiously persecuted...”

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. The cut-off date for citizenship is December 31, 2014 which means the applicant should have entered India on or before that date. Indian citizenship, under present law, is given either to those born in India or if they have resided in the country for a minimum of 11 years. The Bill also proposes to incorporate a sub-section (d) to Section 7, providing for cancellation of Overseas Citizen of India (OCI) registration where the OCI card-holder has violated any provision of the Citizenship Act or any other law in force.

The Centre says these minority groups have come escaping persecution in Muslim-majority nations. However, the logic is not consistent – the bill does not protect all religious minorities, nor does it apply to all neighbours. The Ahmedia Muslim sect and even Shias face discrimination in Pakistan. Rohingya Muslims and Hindus face persecution in neighbouring Burma, and Hindu and Christian Tamils in neighbouring Sri Lanka. The government responds that Muslims can seek refuge in Islamic nations, but has not answered the other questions.

How is CAA linked to NRC?

The National Register of Citizens (**NRC**) is a register maintained by the Union government that effectively lists Indian citizens in Assam, and weed out ‘infiltrators’. The register was first made for Assam, but in 2019, the Centre said it would be extended to the entire country.

The final NRC list published on August 31, 2019 had led to controversy after opposition parties alleged that many genuine citizens, in particular Bengali Hindus, had been left out. The BJP, which has been trying for a breakthrough in

Bengal, has since argued in the state that the CAA will ensure no Bengali Hindu is left out.

How much of Northeast does the Bill cover?

CAA won't apply to areas under the sixth schedule of the Constitution – which deals with autonomous tribal-dominated regions in Assam, Meghalaya, Tripura and Mizoram. The bill will also not apply to states that have the inner-line permit regime (Arunachal Pradesh, Nagaland and Mizoram).

Why is Assam angry about it?

Among the states in the Northeast, the outrage against CAA has been the most intense in Assam. While a chunk of these states have been exempted from the legislation, CAA covers a large part of Assam. The protests stem from the fear that illegal Bengali Hindu migrants from Bangladesh, if regularised under CAA, will threaten cultural and linguistic identities of the state.

What is the Opposition's argument?

The Opposition believes that the CAA ringfences Muslim identity by declaring India a welcome refuge to all other religious communities. It seeks to legally establish Muslims as second-class citizens of India by providing preferential treatment to other groups. This violates the Constitution's Article 14, the fundamental right to equality to all persons. This basic structure of the Constitution cannot be reshaped by any Parliament. And yet, the government maintains that it does not discriminate or violate the right to equality.

What is the current status of CAA?

Around three years after its passage in Parliament, Union Home Minister Amit Shah has said the Citizenship Amendment Act (CAA) will be implemented in the country once the Covid-19 wave is over.

Amit Shah, who steered the passage of the CAA which promises citizenship to non-Muslim minorities who came from neighbouring countries between March 24, 1971 and December 31, 2014, made the announcement during his first visit to West Bengal since the Assembly elections last year that brought Mamata Banerjee's Trinamool Congress (TMC) back for a third consecutive term. "The TMC is spreading rumours that CAA will not be implemented. I want to clearly say that the CAA would be implemented as soon as the corona wave ends," Shah said on Thursday.

The Union Home Minister has previously linked the implementation of the CAA to the Covid-19 situation. In an exclusive interview to Network18 Group Editor-in-Chief Rahul Joshi in February this year, Shah had said: "As long as we are not free from Covid-19, this can't be a priority. We have seen three waves. Thankfully, things are getting better... The decision is linked to the Covid situation. But there is no question of going back on it. The question does not arise."

Shah's announcement in Bengal came a month after it was reported that the ministry had sought another six months to frame CAA rules, the fifth extension sought by the MHA from the subordinate committee on parliamentary legislation of the Lok Sabha and the Rajya Sabha.

Why is there a delay in implementation of CAA?

The MHA in April sought a sixth extension to frame the rules for CAA without which the legislation cannot be implemented. The ministry wrote to the

subordinate committee on parliamentary legislation seeking six months till October to frame the rules.

The CAA was passed by Parliament amid opposition protests on December 11, 2019 and received Presidential assent the following day. According to the Manual on Parliamentary Work, the rules for any legislation should have been framed within six months of presidential assent or seek extension from the Committees on Subordinate Legislation, Lok Sabha and Rajya Sabha.

Since, the MHA could not frame rules within six months of the enactment of the CAA, it sought time from the committees — first in June 2020 and then four more times.

The central government has already made it clear that the Indian citizenship to the eligible beneficiaries of the CAA will be given only after rules under the legislation are notified.

Agenda 2: Reviewing the Implementation of Section 69 A of the IT Act with Reference to the Chinese App Ban.

In February 2022, the union government issued fresh orders to ban over 54 Chinese apps terming them as a threat to privacy and security of Indians, officials aware of the development told ET. A number of these apps belong to the stable of large Chinese technology firms such as Tencent, Alibaba and gaming firm NetEase and are “rebranded or rechristened avatars” of apps that have been banned in the country beginning from 2020.

The ministry of electronics and IT - which issued the latest ban order on the grounds that these apps were transferring sensitive data of Indians to servers in foreign countries such as China-- has also directed top app stores including Google’s Playstore to block these applications. “The 54 apps have already been blocked from being accessed in India through the PlayStore,” an official said.

MeitY used its powers under the Section 69a of the Information Technology Act, 2000 to enforce the latest order.

Since June 2020, the government has banned a total of around 224 Chinese apps starting with about 59 apps in the first round, including popular applications like TikTok, Shareit, WeChat, Helo, Likee, UC News, Bigo Live, UC Browser, ES File Explorer, and Mi Community.

“Many of the apps from the stable of Tencent and Alibaba, have changed hands to hide ownership. They are also being hosted out of countries like Hong Kong or Singapore, but the data was ultimately going to servers in Chinese destinations,” said a senior official while pointing out that “even apps such as ByteDance-owned TikTok and Tencent’s WeChat were available for download

through alternative means such as APK files, and the government has taken cognizance of it.”

"On receipt of the interim order passed under Section 69A of the IT Act, following established process, we have notified the affected developers and have temporarily blocked access to the apps that remained available on the Play Store in India," Google said in a statement.

Earlier in 2020, the centre had banned hundreds of apps across some three rounds with about 43 Chinese apps including Snack Video and AliExpress along with AliPay Cashier directed to be taken down in November, following earlier bans in June that had impacted 59 apps while in September it had ordered the takedown of 118 apps under section 69A of the Information Technology Act.

The government had cited "sovereignty and integrity of India, defence of India, security of state and public order" as reasons for the ban.

The apps affected at that time include AliSuppliers and Alibaba Workbench, CamCard -- Business Card Reader, Chinese Social, WeDate and TrulyChinese.

What are the pros and cons of this decision?

Pros

- **Help in Serving Nation's Tech Market:**
 - Banning these Chinese websites and applications to the Indian public effectively allows our home-grown IT talent to focus on the newly arrived Internet user.
 - Big tech firms from Silicon Valley (US) and China in both hardware and software have

been in a tussle over the Indian consumer, but India's focus remains on exporting IT services while paying little attention to servicing our own nation's tech market.

- **Contribute towards the GDP** – Despite being a developing country, India continues to be an attractive market for investors. After its recent ban on Chinese apps, the Indian government wants to encourage investment in its local technology industry. Moreover, this ban is expected to contribute towards the GDP by increasing domestic production and innovation in the digital space.
- **No Longer Reliance on Passive Diplomacy:** Banning these apps also sends a clear message from India that it will no longer be a victim of China's Nibble and Negotiate policy and will review the norms of engagement.
- **Helps to boost morale** – There was an uproar from many Indians when the Indian Government banned apps from Chinese manufacturers. The ban is meant to protect India's internet security. For many Indians, this is a step in the right direction. Moreover, a survey showed that over 80% of Indians believe this will help boost their morale. Hence, not only will the ban protect India's cyber security, but it gives them a sense of duty and patriotism.
- **Hurting Chinese Ambition:** The ban may affect one of China's most ambitious goals, namely to become the digital superpower of the 21st century.
 - In its attempt to dominate the rest of the world, the Chinese Internet industry needs India's 500-plus million netizens to continue to act as a training ground for the Artificial Intelligence algorithms they put together.

- **Recognising Importance of Data:** India's app ban, and consideration of related restrictions on telecom hardware and mobile handsets, is based on the recognition that data streams and digital technology are a new currency of global power.

Cons

- **Data Privacy Issue Not Limited to Chinese Apps:** In recent times apps were banned on reports of stealing and transmitting users data in an unauthorised manner to servers which have locations outside India.
 - However, data privacy and data security concerns are not limited only to Chinese apps.
- **Ban can be circumvented** – In order to access these banned apps, people can use VPNs (virtual private network) which enables anyone in India to access apps that are banned.
- **Ban cannot be effectively enforced** – Through the government banned all Chinese apps in India, it is impossible to enforce because of the sheer number of mobile devices that exist in the country. Moreover, this ban has been criticised for being ineffective and impractical.
- **India's Economic Dependencies on China:** The ban on Chinese mobile apps is a relatively soft target, as India remains reliant on Chinese products in several critical and strategically sensitive sectors.
- **No Alternatives:** After the removal of more than 118 Chinese apps, Indian techies have started trying to fill the holes with copycat replacement websites and applications. But faithful copies are not enough for us to make full use of China's exit.
- **Loss of Jobs** – The ban on Chinese apps has had a negative impact on India's economy, as some apps were very popular in India and helped

people make money online. The ban has also led to the closure of many companies, which means that some people lost their jobs.

Way Forward

- The primary Indian IT objective must shift from servicing others to providing for ourselves.
- In the absence of Chinese tech, Indian entrepreneurs should not simply look to replace what the existing firms have so far been providing but they should focus instead on providing services and products of high quality that will be used by everyday Indians across the country.
 - The aim of providing netizens with the same services across diverse markets is overarching — regional barriers created by language exist within our own nation.
 - These provide an accretion of excellent smaller markets, with opportunities for specialised Internet services created for a local community, by the community itself.
- The fundamental focus of the new digital products that plan to emerge in the growing market should be to provide for hyper-regional necessities and preferences. With this in mind, there are several commercial opportunities available.
 - For example, apps and services that provide specific market prices, local train and bus routes, allow for non-traditional banking and lending, education, health, online sales, classified advertising, and so on.

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