

In the High Court of Judicature at Madras  
(Special Original Jurisdiction)

WMP No. 8380 of 2020

In

WP No. 5869 of 2020

Kuruville Abraham  
28, Injambakkam, Anna Enclave  
Chennai

... Petitioner/Intervenor

Versus

1. Syed Ibrahim ... Respondent/Petitioner
2. Secretary, Home Department  
Government of Tamil Nadu  
Secretariat, Chennai-9
3. The Director General of Police  
R.K.Salai, Chennai-4
4. The Commissioner of Police  
Greater Chennai  
Vepery, Chennai ... Respondents/Respondents

Affidavit of Kuruville Abraham

I, Kuruville Abraham, son of P.Z.Abraham , aged about 57 years, residing at 28, Injambakkam, Anna Enclave, Chennai-115, do hereby solemnly affirm and sincerely state as follows:-

1. I am the petitioner herein. I seek to intervene in the above Writ Petitions. I was born to Christian parents. I am an atheist. My origins are from the State of Kerala. My wife Arathi is a Hindu. Her origins are from the State of Tamil Nadu. Interestingly her father belongs to "brahmin community" and mother from "Naidu community".
2. I went to school and college in Madras and from 1978-82 I represented India, internationally in the sport of Sailing. I am a marketing, sponsorship and media management specialist, with a background of 36 years of work experience. 10 years with ITC Ltd. in sales, distribution and marketing in its tobacco division, followed by 26 years as the founder and Managing Director of TNQ Sponsorship (India) Private Limited.
3. I set up and headed ITC's Brand Sponsorships Group, which controlled sponsorship activity for all ITC's tobacco brands. Consequently, I have had extensive experience in organising both domestic and international sports events in India. The notable achievements of ITC's Brand Sponsorships Group under my stewardship were:
  - a) Obtaining for ITC in 1992, a 3 year contract with the BCCI (Board of Control for Cricket in India) as the Official Sponsor of the Indian Cricket Team. Organising for the first and only time in India, The World Cup Badminton Championship in 1993.

- b) Successfully obtaining a sponsorship commitment worth US\$1,00,000/- from Air India for the World Cup Badminton in 1993 to act as official carriers to the event. Independently conceptualising and successfully launching, India's premier professional golf circuit - "The Classic Tour", in 1993. This is today's Indian Professional Golf Tour.
  - c) Creating "The Scissors Cup" - India's highest prize money football tournament, in 1993.
  - d) Obtaining for the company, a sponsorship agreement with Indian Airlines as "The Official Carrier to the Scissors Cup" in 1994. This was the first ever-commercial sponsorship committed by Indian Airlines to a sports event. Conceiving the idea to bring top level men's professional tennis to India with an ATP Tour event to be known as the Gold Flake Open and commencing negotiations with IMG Hong Kong, on ITC Ltd.'s behalf in this regard. This tournament remains today, the biggest annual tennis event in India.
4. After setting up TNQ Sponsorship, I have worked with a variety of clients. The significant work I have done in these 26 years is available at <http://www.tnq.in/pfbp.html>. We also managed former World Chess Champion Grandmaster Viswanathan Anand for 22 years.
5. I also learnt that several writ petitions have been filed by various persons seeking directions from this Hon'ble Court to interfere and direct the State Governmental authorities to put an end to various protests that are happening across the State of Tamil Nadu in various locations in a very peaceful manner. The provocation for the protests as suggested by the petitioners is the enactment of the Citizenship Amendment Act, 2019 (CAA) and the impending actions for implementation of National Population Register (NPR) and National Register of Citizens (NRC). As a concerned citizen as much as the petitioners claim to be, I say that certain facts need to be brought to the notice of this Hon'ble Court.

**Why are people protesting against the NPR, the NRC and the CAA?**

6. I have been watching with concern the events unfolding in our country over the recent past. Many citizens have been upset with attempts by the Central government to bring in a narrative of inequality and unequal entitlements of different religious groups to India. The Central government has been attempting to build a narrative that goes against the very idea of India as a land of diversity enriched by different religions and cultures. The Central government has been attempting to misuse certain selectively chosen historic facts in a mischievous way to weave a narrative as though certain religions belong to India, and certain religions do not. The Central Government has been attacking the secular nature of

India by trying to weave a narrative as though during independence Muslim Pakistan and Hindu India were created; attacking the very fundamental nature of a Secular India. This mischief is being done in a step-by-step manner that seeks to 'other' some groups of people, create social hatred against them, enlist people in society to blindly support the Central government's agenda and thus jeopardise India's Constitution and our founding values.

7. A few incidents are central to explain the build up of these emotions amongst many who feel that the very idea of India is under threat by the actions of the Central Government.

8. On June 20, 2019 the President of India in his address to the Joint session of Parliament soon after the General Elections said

“My Government has decided to implement the process of ‘National Register of Citizens’ on priority basis in areas affected by infiltration.”

9. On November 20, 2019, the Home Minister of India said in the Rajya Sabha during question Hour:

“The process of National Register of Citizens will be carried out across the country. No one irrespective of their religion should be worried. It is just a process to get everyone under the NRC... NRC is a different process and the Citizenship Amendment Bill is different.”

10. On December 03, 2019, while campaigning for Jharkhand elections the Union Home Minister set a deadline for the implementation of a countrywide National Register of Citizens (NRC) by stating that the exercise will be rolled out before the 2024 Lok Sabha elections:

“No illegal person should be allowed to unfairly use resources of the country meant for Indians...We will selectively throw out all infiltrators and this task will be undertaken by the BJP before 2024.”

11. The Union Defence Minister echoed the Home Minister at another election rally in Bokaro.

“We will implement the NRC across all states of the country. Every Indian has a right to know who the illegal immigrants in their land are. Some parties accuse us of being communal.”

12. On December 10, 2019 the Union Home Minister said in the Lok Sabha:

"I will explain it [NRC] the same way in the Parliament as CAB. Rest assured, NRC will be brought in soon."

13. The above statements reflect the intentions of the ruling party in their election manifesto of 2019. The manifesto for the 2019 election contained the following paras under the heading 'Nation First'.

"07. There has been a huge change in the cultural and linguistic identity of some areas due to illegal immigration, resulting in an adverse impact on local people's livelihood and employment. We will expeditiously complete the National Register of Citizens process in these areas on priority. In future we will implement the NRC in a a phased manner in other parts of the country."

14. The NRC is referred to in the 2003 Citizenship Amendment Act, and the NPR was introduced when the process to create the NRC was elaborated in The Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003. The relevant portions of the said Rules are extracted hereunder:

*Rule 2*

*(k) "National Register of Indian Citizens" means the register containing details of Indian Citizens living in India and outside India;*

*(l) "Population Register" means the register containing details of persons usually residing in a village or rural area or town or ward or demarcated area (demarcated by the Registrar General of Citizen Registration) within a ward in a town or urban area;*

*3. National Register of Indian Citizens.—*

*(1) The Registrar General of Citizen Registration shall establish and maintain the National Register of Indian Citizens.*

...

*(4) The Central Government may, by an order issued in this regard, decide a date by which the Population Register shall be prepared by collecting information relating to all persons who are usually residing within the jurisdiction of Local Registrar.*

*(5) The Local Register of Indian citizens shall contain details of persons after due verification made from the Population Register.*

*I submit that Rules 3(4) and 3(5) read together establish that the NPR shall form the basis on which the NRC shall be drawn up.*

*4. Preparation of the National Register of Indian Citizens.—*

*(1) The Central Government shall, for the purpose of National Register of Indian Citizens, cause to carry throughout the country a house-to-house enumeration for collection of specified particulars relating to each family and individual, residing in a local area including the Citizenship status.*

*(2) The Registrar General of Citizen Registration shall notify the period and duration of the enumeration in the Official Gazette.*

*(3) For the purposes of preparation and inclusion in the Local Register of Indian Citizens, the particulars collected of every family and individual in the Population Register shall be verified and scrutinized by the Local Registrar, who may be assisted by one or more persons as specified by the Registrar General of Citizen Registration.*

*(4) During the verification process, particulars of such individuals, whose Citizenship is doubtful, shall be entered by the Local Registrar with appropriate remark in the Population Register for further enquiry and in case of doubtful Citizenship, the individual or the family shall be informed in a specified proforma immediately after the verification process is over.*

*(5) (a) Every person or family specified in sub-rule (4), shall be given an opportunity of being heard by the Sub-district or Taluk Registrar of Citizen Registration, before a final decision is taken to include or to exclude their particulars in the National Register of Indian Citizens.*

*(b) The Sub-district or Taluk Registrar shall finalize his findings within a period of ninety days of the entry being made, or within such reasonable extended time for which he shall record the reasons in writing.*

*(6) (a) The draft of the Local Register of Indian Citizens shall be published by the Sub-district or Taluk Registrar, for inviting any objections or for inclusion of any name or corrections for the family or individual particulars collected and proposed to be finally entered in the National Register of Indian Citizens.*

*(b) Any objection against a particular entry or for inclusion of a name, or corrections if any, in the Local Register of Indian Citizens may be made within a period of thirty days from the date of publication of the draft of the Local Register of Indian Citizens, spelling out the nature and reasons for the objection in such form as may be specified by the Registrar General of Citizen Registration.*

*(c) Subject to the provisions contained in clause (a) of sub-rule (5), the Sub-district or Taluk Registrar shall consider such objections and summarily dispose off the same within a period of ninety days, and thereafter submit the Local Register of Indian Citizens so prepared to the District Registrar of Citizen Registration who shall cause the entries in the Local Register of Indian Citizens, to be transferred to the National Register of Indian Citizens.*

*(7) (a) Any person aggrieved by the order of the Sub-district or Taluk Registrar under sub-rule (5) or sub-rule (6), may prefer an appeal within thirty days from the date of such order, to the District Registrar of Citizen Registration.*

*(b) The District Registrar of Citizen Registration shall take a final decision, after giving an opportunity of being heard to the person so aggrieved, within a period of ninety days from the date of appeal.*

*(c) In case the appeal is allowed, the particulars shall be entered in the National Register of Indian Citizens.*

*4A Special provisions as to National Register of Indian Citizens in State of Assam. —*

*(1) Nothing in rule 4 shall, on and after the commencement of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Amendment Rules, 2009, apply to the State of Assam.*

*(2) The Central Government shall, for the purpose, of the National Register of Indian Citizens in the State of Assam, cause to carry out throughout the State of Assam for preparation of the National Register of Indian Citizens in the State of Assam by inviting applications from all the residents, for collection of specified particulars relating to each family and individual, residing in a local area in the State including the citizenship status based on the National Register of Citizens 1951 and the electoral rolls prior to the year 1971.*

*(3) The Registrar General of Citizens Registration shall notify the period and duration of the enumeration in the Official Gazette.*

*(4) The manner of preparation of the National Register of Indian Citizens in the State of Assam shall be such as specified in the Schedule appended to these rules.]*

15. I submit that Rule 4 and 4A lists out the process to be followed to create the NPR and thereafter the NRC. Rule 4 applies to all of India except Assam and Rule 4A applies exclusively to State of Assam. The process under Rule 4 that applies to India minus Assam clearly lays down that the collection of data for the NPR and thereafter the pick and choose method of scrutiny of the NPR data shall be the sole method of drawing up the NRC. So once the NPR process has begun, it means that the NRC process has begun. The NRC shall be drawn up from those names in the NPR who do not appear 'DOUBTFUL' and who do not succeed in appealing the 'DOUBTFUL' tag.

16. I respectfully draw attention of this Hon'ble Court to Rule 4 which empowers the data collecting authority to mark any citizen as "Doubtful" while data is being collected for the NPR. There are no guidelines for the exercise of this power and the word Doubtful itself is vague, undefined and totally arbitrary. It is capable of enormous abuse. I also draw this Hon'ble Court's attention to Rule 4(6)(b) which opens up a published draft list of citizens for objections by anybody. This process is totally arbitrary and has potential for vigilante abuse of the marginalized people.

17. The NPR is not the Census. The Census is done every 10 years and is done under the Census Act, 1948. All citizens co-operate with the Census as it is a statistical exercise to understand the impact of policies and assess what direction our policies should take. However the NPR has no such purposes, except to be a step in the process of creating an NRC. This is clearly borne out by the 2003 Rules. Now the government says that the NRC exercise is so that citizens can be issued a National Identity Card. Citizens already have so many cards issued by the government - Aadhar cards, Voter ID card, Ration cards, PAN cards, etc. I fail to understand why another card is necessary, especially in a country which has not cleaned up its documentation systems yet. For instance, Mr. Shailesh Gandhi who is the former Central Information Commissioner applied to Municipal Corporation of Greater Mumbai for his birth certificate and the response he got was “the event relating to the birth of Kum Sahilesh daughter/son of \_\_\_\_ was not registered ”.
18. It is also necessary to appreciate the difference between the NRC exercise detailed out in Rule 4 and the NRC exercise completed in the State of Assam recently. It is necessary to highlight the background of the NRC exercise in Assam, because understanding it is key to finding a solution to this problem. The miseries of the Assam NRC are unmanaged xenophobia and xenophobia that was tapped for political gain.
19. A political situation had been evolving in Assam from the 1970s where ‘Outsiders’ was a term often used in Assam to whip up xenophobic sentiments. The Assamese were upset that the number of non-Assamese people in Assam were increasing, and felt this was a threat to Assamese language and culture. The Assamese anger was directed at all outsiders in their state, including people from other states. But there are theories that the anger was redirected towards the Bangladeshi immigrant. Most of the Bengali-speaking outsiders were assumed to have come in from Bangladesh. There was a movement that demanded that outsiders must be detected and deported. There were violent protests in Assam in 1985 against migrants. The Rajiv Gandhi government entered into an Assam Accord with the leaders of the Assam movement, promising to deport all illegal migrants who had come in after March 1971 ie after the events leading to the Bangladesh liberation War commenced. An amendment was made to the Citizenship Act in 1986 that made a departure from our ‘citizenship by birth in India’ jurisprudence. The 1986 amendment laid down that those born after July 1987 in India could be Indian citizens by birth only if one of the parents was an Indian citizen at the time of his birth. Further, the rightwing political groups had built a political narrative around the detection, deletion and deportation of illegal migrants for the elections in the 1990s. It is pertinent to mention that one of the key leaders of the xenophobic students movement has reaped the rewards of the

movement and is today the Chief Minister of the State. It is in this background that the NRC exercise must be understood.

20. The Assam NRC process was done under the supervision of the Hon'ble Supreme Court. Since the Apex Court was functioning as the Executive, the Orders could not be challenged anywhere. The Assam process over the last few decades caused the setting up of (a) border police, who were not stationed at borders to check entry; but instead were in the interiors of the state and could point out to anybody they thought were 'infiltrators'; (b) Foreigners Tribunals, where the citizen had to prove two kinds of documents – one, that showed an ancestor was from India, and two, that showed that he was connected to the ancestor. The Foreigners tribunals were manned by people who were engaged on contracts of 2 years. The contracts would be renewed only for those 'officers' who showed higher number of 'foreigners' detected. (c) Detention centres, where citizens who could not prove their documents and so were classified as 'foreigners' were dragged to and kept under severe conditions, at the whims and fancies of those who manned the Detention Centres. Needless to say, the entire exercise caused untold misery. Women and the poor especially suffered due to lack of documentation. It is in the recent past that the stories of what happened in Assam are coming out to public attention, thanks to the stellar work of some investigative journalists and some RTI activism.
21. After all the xenophobia, several draft lists and supplementary lists were published. The final list was published in July 2019. The Final List published in July 2019 had left out **19 lakh** people. It is reported that out of those left out, 7 lakh were Muslims and 12 lakh were non-Muslims. The Central government sought the permission of the Supreme Court to do one more reverification list, however the Supreme Court refused to permit this. The Central government transferred Mr. Prateek Hajela who was the NRC coordinator and appointed Hitesh Dev Sharma in his place. It was brought to the notice of the Supreme Court that the new coordinator was openly Islamophobic on his social media posts.
22. It is also pertinent to mention here that though the Assam exercise classified people as 'foreigners', no foreign country claims ownership over these people. The government has not identified even a single country who will take any of these people. The end analysis is that this exercise is only about creating an atmosphere of fear about an alleged 'outsider', apply vigilante justice to pick and choose those who do not look, speak or eat what you are comfortable with, then complain about them, get them classified as 'foreigners' and jail them and put restrictions on their life and liberty. This appears to have been the only outcome of the Assam NRC process.

23. I respectfully wish to highlight the case of just 4 persons, all of which were mentioned by the Chief Minister of Delhi on the floor of the Delhi Assembly on March 13, 2020 during discussions on a resolution against CAA-NPR-NRC:

- a) Dulal Chandra Paul: He was unable to show the documents required to prove citizenship and was declared a “Foreigner” by a Tribunal in 2017. He was lodged in Tezpur Detention Centre and remained there till September 28, 2019 when he was admitted to hospital with diabetes and heart problems, and where he died. Paul’s three sons were also left out of the NRC, but his wife was on the NRC.
- b) Flight Lieutenant Chabindra Sharma (Retd.): Sharma served in Tezpur airforce base during the Kargil war. He has been posted in Assam, West Bengal, Delhi, J&K and Rajasthan. He has a plaque of appreciation by the President of India. Sharma’s parents and children got onto the NRC, but Sharma was excluded. He had submitted the 1951 legacy data of his father, his matriculation certificate, service identity card and Aadhaar Card, and yet was rejected.
- c) Mohammad Sanaullah – A retired army officer who is a Kargil war veteran. He was declared a foreigner by the Tribunal and was detained by the police. His wife’s name is on the NRC but his daughters and son have not made onto the NRC.
- d) Naresh Koch: The Koch community are a tribal community of Assam. Yet Naresh Koch was declared a Foreigner by the Tribunal in June 2017. He was apprehended and taken to the Goalpara Detention Centre in March 2018 where he died in January 2020 at the age of 50. Naresh Koch was the 29<sup>th</sup> death in the last 3 years as per government records.

24. In order to understand the harshness of the NRC, it is also necessary to point out to this Hon’ble Court of two very recent orders of the Hon’ble Supreme Court of India pertaining to this issue. (a) In the first week of January the Hon’ble Supreme Court had a hearing relating to sixty children who were excluded from the Assam NRC even though their parents were included. The Learned Attorney General undertook before the Supreme Court that such children would not be separated from their families and dragged to the Detention Centres. The Petition filed by the NGO Citizens for Justice and Peace highlighted that the NRC had identified “specific categories of already marginalized persons who had been excluded”. These included orphaned children who did not reside in State orphanages or homes, children from disconnected families, children who stayed with close or distant relatives, children who were included in the NRC but their parents being excluded.

25. On February 15, 2020, the Hon’ble Supreme Court was examining a status report on “the Foreigners” living in the detention centres. On May 19, 2019 the Hon’ble Court had ordered that these foreigners who had completed more than 3 years in detention may be released on the condition that they submit two sureties of Rs.1 lakh each and a verifiable

address, collection of their biometric information and that they would report to a designated police station every week. The Solicitor General sought time and the matter now stands posted to the third week of March 2020.

26. Now people are saying that “Assam is different. It was done by the SC. Why are the protesters worried about Assam?” It is therefore necessary to point out just 3 episodes that happened in the very recent past that demonstrates what can happen if this xenophobia is not put a stop to.

(a) In January 2020, a BJP leader Kailash Vijayvargiya spoke at a pro-CAA event saying that he suspected that some workers who had been doing some work in his house were ‘Bangladeshis’ because they “ate poha all the time”. He said that they did not come back after he raised this suspicion.

(b) Another example is the very recent episode where one self-righteous gentleman made an anonymous video in Bangalore from an apartment balcony of a large space filled with tin sheds of workers. He claimed it was a settlement of Bangladeshis and they were ‘a law unto themselves’ and that state agencies were not allowed to enter there, and so on and so on. The video went viral and raised the heckles of those prone to the disease of xenophobia. Overnight civic authorities came with excavators and flattened the tin-shed homes of all the migrant workers and their families. Not one of these workers were found to be foreigners or illegal migrants. Now the Karnataka High Court is doing a postmortem investigation of the event, amidst several rumours including of ‘illegal migrants’ having been a bogey to grab the property by a local legislator and of the local corporation claiming ignorance of the episode. Ultimately though, the damage to the lives of the poor has been done. This story caught our eye because it happened in Bangalore. Similar stories of xenophobia have been happening on a very large scale in Assam. One only has to look for the stories of the Assamese families who have sold all their properties to get documents or to fight cases for years to get their loved ones released from the detention centre. It will always be India’s civil society’s shame that we woke up too late to recognize what was happening in Assam – the extent of xenophobia we had allowed to build up there and the extent of human misery that had resulted.

27. The above facts are placed before this Hon’ble Court to highlight the conversations that are happening in the public domain and in homes and these are matters about which families are worried about when they protest against the NRC – NPR.

28. Another cause for serious concern and the immediate trigger for the protests was the Citizenship Amendment Act, 2019 (CAA) which was introduced and passed by

Parliament within 3 days. The CAA caused shock waves in its content and in the process by which it was brought in; and also by the divisive statements that surrounded its introduction. On 9th December, 2019 the Citizenship Amendment Bill was tabled in the Lok Sabha, and was passed by the Lok Sabha on 10th December, 2019. It was passed by the Rajya Sabha on December 11, 2019 with 125 votes in favour and 105 against. It is pertinent to mention that the 11 Members of the Ruling party of TN in the Rajya Sabha played a crucial role in the passage of the Bill by voting for the Bill. There had been no public consultations prior to such a discriminatory piece of legislation being introduced in the Parliament. Even while protests against this hurried introduction and passage of this humiliating and discriminatory bill began, it received the assent of the President and was published in the Gazette on January 10, 2020.

29. The CAA 2019 did the following things:

- (a) It removed the tag of 'illegal migrant' from undocumented foreigners who were Hindus, Sikhs, Jains, Buddhists, Christians and Parsis. All OTHER undocumented foreigners continued to be labelled as 'illegal migrants'.
- (b) The CAA 2019 made it possible for the undocumented foreigners who were Hindus, Sikhs, Jains, Buddhists, Christians and Parsis to apply for citizenship by naturalization. It also shortened the mandatory period of residence for such applicants to get their citizenship. All OTHER undocumented 'foreigners' who continued to be labeled as 'illegal migrants' could NEVER apply for Citizenship by naturalization. Their children could NEVER become Indian citizens, even if the other parent was an Indian citizen.

30. The CAA does not even use the term 'Persecuted minorities'. This is relevant to state because the government has been making statements that the CAA was for the purpose of giving citizenship to persecuted minorities. There are so many anomalies in trying to link the CAA with persecuted minorities, that when these anomalies are examined it becomes clear that the intention of the CAA is to create a narrative around citizenship laws being related to religions. This is in sync with the rightwing ideology of 'putting muslims in their place'. On closer examination, it also appears that the purpose of the CAA is to ensure that the 12 lakh Hindus who got left out of the Assam Final NRC would be able to apply for citizenship if they 'admit' they came from Pakistan, Bangladesh or Afghanistan. The 7 lakh Muslims who were left out of the Assam Final NRC would NEVER be able to apply for citizenship. As an ironic collateral damage in the way the CAA is drafted, if any of the 12 lakh Hindus were unwilling to state that they came from Pakistan, Bangladesh or Afghanistan, they too will never be able to apply for Indian citizenship!

31. The first case in which the CAA was applied was in Bangalore High Court when it a bail application by one Archana Purnima Puranik was being considered. The Christian lady was an undocumented immigrant from Bangladesh. Based on the CAA2019, as she was a Christian she was exempted from the 'illegal migrant' tag and hence bail was granted to her. The discrimination becomes poignant when one realizes that if she had been a muslim, she would not have got bail on this ground.
32. So these have been the very real fears that people have been grappling with. People fear for their families, and people fear for the changes being made to their idea of a secular, multi-cultural, plural India which is the biggest asset we bequeath to our children. This is why we are protesting.
33. It is not just individuals who are protesting. Federal States have been protesting. Foreign Parliaments are protesting. United Nations bodies are protesting. Protests are in different ways.
34. It is pertinent to mention that so far, 11 State Assemblies have passed resolutions against the CAA or the NPR or the NRC. The Telangana CM has announced that the Assembly would pass a resolution against the CAA-NPR-NRC soon. Delhi assembly passed a resolution against NPR-NRC on March 13, 2020. The Kerala Assembly passed a resolution against the CAA on December 31, 2019 calling it unconstitutional. Further the Kerala cabinet decided not to implement the NPR in the State and announced this in January 2020. The State of Kerala has also filed a suit in the Supreme Court against the Central government challenging the CAA. Punjab assembly passed a resolution against the CAA-NPR-NRC. West Bengal assembly passed a resolution urging the Union government to repeal the CAA and against the NPR and NRC. Rajasthan Assembly passed a resolution on January 25, 2020 to repeal the CAA and against the NPR and NRC. Puducherry passed a resolution on February 13, 2020 against the CAA, NPR and NRC. Chattisgarh cabinet approved a resolution to be adopted in the assembly against CAA-NPR and NRC during March session. Andhra Pradesh government is set to move a resolution against the NRC and NPR. Madhya Pradesh assembly is said to table a resolution against CAA-NRC-NPR. Maharashtra CM has made a statement that NRC will not be allowed to be implemented in the state.
35. The CAA-NPR and the NRC project have been subjected to severe criticism from various leading intellectuals and thinkers. Among them is Mr. Justice A.P.Shah, former Chief Justice of Madras High Court and Delhi High Court. The United Nations High Commissioner for Human Rights has filed an intervention application in the Supreme

Court in the petitions challenging the validity of the CAA. Several parliaments in foreign countries have been discussing the CAA and the obvious discrimination of the law.

36. Thus it is obvious why any person who believes in the diversity and pluralism of India and believes that India is a melting pot of cultures will be upset with the above explained developments. These developments are not ordinary. They instill extraordinary fear and trepidation in the minds of large number of citizens who find that the fundamental idea of India is being threatened.

What happens at these protests?

37. I personally have attended many protests. I have been to protests in Jantar Mantar and Shaheen Bagh in Delhi. I must narrate what I see at these protests. The Constitutional values are so beautifully being articulated and upheld at these protests. We read the Preamble regularly and tell ourselves that we are a land committed to equality for all and unity in our diversity; that we will stand up for liberty of thought, expression and faith; that we will live in fraternity and brotherhood. I never knew the Preamble before. I learnt it by repeating it at these protests. Songs of unity and fraternity and brotherhood are sung. Youngsters are creating art in terms of rap songs, poetry, paintings, kolams, rangolis - beautiful art that shows a united, diverse civil society that is passionately and artistically standing up for the idea of India as a land of unity in diversity. I was touched to see that youngsters who are always called irresponsible and said to be only in malls and on their phone - they talk so passionately about how all Indians are united and how they see India's diversity as her strength and how all attempts to homogenise Indian society by imposing ONE language, ONE culture, ONE food habit, ONE thinking must be opposed as India's second freedom struggle. I see Gandhiji is alive and vibrant when I hear these youngsters call upon everybody to remain totally peaceful whatever the provocation may be. I was touched to see women of all communities standing up together and expressing that they want peace and harmony. I was touched to see Sikhs from Punjab travel to Shaheen Bagh and set up langar to feed the people there. I saw multi-faith prayers happen at the protest site. I saw chains of unity being formed across the state of Kerala and the city of Calcutta where orange-robed gurus, white robed Bishops and bearded mullahs stood hand in hand and asked the government to stop this mad idea of dividing the people on the basis of religion. I must tell this court that these protests have been the most spectacular affirmation to me that Indian society is proudly multi-cultural and fiercely so, and that no government can impose homogeneity through law on this beautiful Indian society. The beauty of these protests is also that they are leaderless. Every protester has taken ownership for the idea of India that they are protesting for; and for the ideal of Gandhiji's peaceful protests. These protests have energised me at my age of 57. They give

me hope and great pride in my country and its society. The youngsters and women of this country, who are leading these protests are soldiers defending the idea of India.

How have the governments responded to the concerns raised in these protests?:

38. I would think that when large numbers of people came out in December 2019, governments should have initiated dialogues. However, these things happened:

- (a) On December 28, 2019, the Chief Minister of Tamil Nadu had announced that the work on NPR will commence on April 01, 2020. The Chief Minister insisted that the NPR “is just a population census”. It is just a “decadal census”.
- (b) The TN police stopped giving permission for protests from December 2019. The Chennai Police has kept the police under a virtual state of “curfew” by repeatedly promulgation of orders by the Commissioner of Police under exercise of provisions of the City Police Act that is intended to be used only under situations of emergency. These repeated promulgation of Section 41(2) orders and the severe crackdown on protestors even when they only use artforms like drawing “kolams” during month of Margazhi to voice their dissent is shocking.
- (c) On December 15, 2019 the Union Home Ministry-controlled-Delhi police launched a ferocious, violent attack on our students of Jamia Milia University who were protesting against the CAA, leaving many injured and hospitalized. This brutality shocked people around the country.
- (d) On December 16, 2019, the UP police entered the campus and hostels of Aligarh Muslim University and launched a brutal attack.
- (e) When the Supreme Court was petitioned to take suo moto cognizance of the violence on Jamia and Aligarh Universities campus, the Court said it would look at the matter only “after rioting stops”. There was an attempt at the Bar to get the CJI to see the videos of the violence, however the Supreme Court wanted the violence to stop before it could take any action to stop the violence.
- (f) On January 05, 2020, an unexplained mob attack by ABVP members on the students of Jawaharlal Nehru University within the JNU campus appeared to be ‘to teach the traitors’ a lesson. Videos have surfaced which show the delhi police standing passively as the mob walks out holding rods.
- (g) Consistently people holding positions of power in government have refused to engage with the protestors. Instead they have been attacking the protestor as “misguided” or “funded by outsiders” or “anti-nationals” or “trying to destabilise the country”, calling them “tukde tukde gang” or “communists”.

- (h) The police in BJP ruled states and states where governments supported the BJP made life difficult for the protesters by refusing permissions, cancelling events, making it difficult to organize hall events, arresting speakers before the events. Kannan Gopinathan, an ex-IAS officer who had resigned from the services in protest against the growing atmosphere of loss of civil liberties in the country, was arrested several times as he tried to enter UP to speak at meetings.
- (i) In Karnataka a 102 year old freedom fighter H.S.Doraiswami who attended the protests was called a “Pakistani agent” by a ruling party leader.
- (j) Sedition cases are being filed against protestors. In Bidar, a single parent and teacher of a 10 year old child who said dialogues opposing the NRC in a school play were arrested on a complaint of sedition and kept in jail for more than 2 weeks and the child left to the care of a neighbour.
- (k) Meanwhile the Delhi elections saw a most vile campaign where protestors were targeted in campaign speeches by Ministers making statements like “press the button so hard that the shock will reach Shaheen bagh” (shaheen bagh is a protest site organized by women in Delhi, including the mothers of the students who were beaten up in the Jamia University attack). One Minister gave frenzied leadership to a crowd with a slogan that went “desh ke gadaaron ko, goli maaro salon ko” which when translated means roughly “What to do with the traitors of the country? Shoot the b...”. One Minister said that if they were elected to power then not only will they clear the Shaheen Bagh area in one hour but also remove all existing mosques built on government land in his parliamentary constituency within 1 month and that “these people will enter your homes and rape and torture your women”. Another BJP leader gave a speech with the Deputy Commissioner of Police standing next to him, saying “we will stay quiet till Trump leaves. After that if the protesters are not cleared out we will get onto the roads to clear the protesters out of Jaffrabad and Chandbagh.”
- (l) Immediately after the hate speeches, the peaceful protesters at Jamia were attacked by gun-wielding right wing member. A couple of days later another member of the rightwing attacked the Shaheen Bagh protesters with a gun.
- (m) Within a couple of weeks after the rightwing party lost the elections in Delhi, violence was unleashed in the areas of East Delhi, including jaffrabad and Chandbagh that were mentioned in the BJP leader’s hate speech. Targeted attacks on people of one particular community shocked the conscience of the nation. The Prime Ministers first statement on this violence came on the THIRD DAY of the violence by way of a tweet.
- (n) As the Delhi violence was unfolding, a Division Bench headed by Hon’ble Justice Muralidhar had to intervene at midnight on a public interest litigation when ambulances were being blocked by armed mobs from reaching the injured. On another PIL regarding the violence the Bench came down heavily on the Delhi police for not registering FIRs’ against the hate speeches. The Bench passed a series of orders to immediately put an end

to violence, take confidence building measures, open relief centres, ensure safe passage to the displaced, ensure dignified handling of dead bodies, provide counseling to victims etc. It is relevant to state that it shook public confidence when late that same night orders for transfer of the senior Judge were signed and issued. In the discussions concerning the Delhi violence in the Lok Sabha on March 12, 2020, an MP of the ruling party remarked caustically that the IB reports pertaining to these Judges should be made public so that people will know why they were transferred. Again, this blatant threat to the judiciary shook the confidence of the public.

- (o) Ironically the Delhi police sought contempt action against the petitioner who moved the Delhi High Court for intervention when the Delhi violence broke out, for a speech he made in an anti-CAA protest. The petitioner is a respected social activist and former IAS officer who works on issues of communal harmony. The full speech is produced in the typed set of papers.
- (p) The UP government put up hoardings with the name, address and photographs of the protestors and initiated recovery proceedings for their alleged 'rioting and vandalism'. In a suo motto PIL, the Allahabad High Court directed the UP Government to take down these road side banners and is adjudicating the legality of such notices of recovery. The UP Government filed an appeal against the Order. The Supreme Court pointed out to the UP Government that these actions of putting up such 'name and shame' banners were not supported by any law. The UP Government immediately promulgated an ordinance being the UP Recovery of Public and Private Property Ordinance even as the Supreme Court is scheduled to hear the SLP later this month.

39. It is in this background of prevailing conditions that this Hon'ble Court must view the Petitions filed. The Petitioners are part of a rightwing group that believes in fantasy notions of 'Indic religions versus outsider religions'; 'India is a civilisational concept and not a confluence of cultures'; that because aurangzeb was a mean ruler 'all muslims are out to destroy our culture'; that 'love jihad is a muslim conspiracy to steal our women'; that it is their duty to protect against the 'islamic marauders of hindu wombs'; that India must be a hindurashtra; that because in 1947 a Muslim Pakistan was created India is a Hindu India; that some people have superior claims to India than others; and such regressive theories. This group selectively chooses some stories from history and push a narrative of one religion persecuting another and one religion always being the victim of persecution. Their narratives encourage disharmony within a society that has always lived as a composite culture. Infact the blend of cultures in India is such that if one says one is Indian, there is a bit of Hindu and a bit of Muslim and a bit of Christian within one. I submit that these groups push a narrative that is seditious and anti-national and mischievous and against our constitutional values. I respectfully submit that such groups deserve no indulgence and their petitions be dismissed with exemplary cost.

40. It is prayed that this Hon'ble Court be pleased to permit the Petitioner to intervene and be heard in the main writ Petition and thereby render justice.

Solemnly affirmed at Chennai on this the  
16<sup>th</sup> day of March 2020 and signed his  
Name in my presence

Before me

Advocate, Chennai