

File No. 200771

Committee Item No. _____

Board Item No. 47

COMMITTEE/BOARD OF SUPERVISORS

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Date: _____

Board of Supervisors Meeting

Date: July 21, 2020

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- India Citizenship Act Amendment - 12/12/19
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Prepared by: Lisa Lew

Date: July 17, 2020

Prepared by: _____

Date: _____

1 [Opposing India’s Exclusionary National Register of Citizens and Citizenship Amendment Act]

2

3 **Resolution opposing India’s exclusionary National Register of Citizens and Citizenship**
4 **Amendment Act and reaffirming San Francisco as a welcoming city, expressing the**
5 **City and County of San Francisco’s Board of Supervisors’ solidarity with San**
6 **Francisco’s South Asian community regardless of religion and caste.**

7

8 WHEREAS, The San Francisco Board of Supervisors supports Universal Human
9 Rights for all peoples and opposes racial, casteist, religious, ethnic and nationalist
10 discrimination; and

11 WHEREAS, The nation of India was founded as a secular republic in which members
12 of all nationalities, ethnicities, castes, races, and religious faiths are welcome, and India and
13 the United States share common values and bonds: Democracy, the Rule of Law, and the
14 Protection of Human Rights and Liberty; and

15 WHEREAS, In August 2019, the Bharatiya Janata Party (BJP), a Hindu extremist
16 government published an updated National Register of Citizens (NRC), forcing nearly 33
17 million people in the northeastern state of Assam to prove with documentary evidence their
18 Indian citizenship or face detention at mass prisons and detention camps that the Indian
19 government is constructing and filling; and

20 WHEREAS, Most Indians lack documentation such as birth certificates to prove
21 citizenship and a nationwide expansion of the NRC will strip tens of millions of people
22 (disproportionately Muslim, caste oppressed, women, indigenous and LGBTQ communities)
23 out of their citizenship rights with no option to be re-naturalized; and

24 WHEREAS, On December 11, 2019, the Indian parliament, under the leadership of the
25 BJP government, passed the Citizenship Amendment Act (CAA), which the BJP government

1 falsely claims will help refugees fleeing religious persecution from neighboring countries, but
2 in fact blatantly discriminates, allowing the NRC to be updated in relation to the National
3 Population Register for citizenship based on religion, excluding Muslim people; and

4 WHEREAS, The New York Times reported on December 22, 2019, that “The Indian
5 Home Minister, Amit Shah, has vowed in speeches to expand the checks used in Assam to
6 other states and then use the citizenship law to purge India of ‘infiltrators’ and ‘termites’;” and

7 WHEREAS, The NRC and CAA will create a massive refugee and health crisis at a
8 time that the United Nations is trying to cope with refugees all over the world; and

9 WHEREAS, Protests in India against the CAA and NRC in December 2019 have faced
10 repression including reports that in the state of Uttar Pradesh police fatally fired live
11 ammunition at demonstrators and arrested thousands; and

12 WHEREAS, The BJP government of India has been criticized by the United Nations for
13 its human rights record on minorities; and

14 WHEREAS, In its 2020 report, The U.S. Commission on International Religious
15 Freedom has designated India as a Country of "Particular Concern" (CPC), stating that the
16 country is "engaging in and tolerating systematic, ongoing, and egregious religious freedom
17 violations;” and

18 WHEREAS, President Trump’s bigoted policies within the U.S. including discriminating
19 on religious grounds, targeting vulnerable communities, stripping citizenship, fabricating
20 crises, and stoking hatred, have been mirrored by Indian Prime Minister Narendra Modi, his
21 Hindu extremist Bharatiya Janata Party (BJP) government, and their alarming ideology that
22 Hindus are racially and culturally superior to others; and

23 WHEREAS, The CAA, NPR and NRC are inconsistent with San Francisco’s values and
24 history as a welcoming city for South Asian communities of all castes and creeds; and

25

1 WHEREAS, The San Francisco Board of Supervisors believes it is the duty of ordinary
2 people to oppose the dangerous rise of the far right everywhere in the world and believes that
3 the human rights record of the BJP government in India is of concern, not only to the millions
4 of Muslims, caste oppressed, women, indigenous, and LGBTQ people in India, but also to
5 San Francisco's South Asian immigrant community; and

6 WHEREAS, The San Francisco Board of Supervisors condemn President Trump's
7 support for the repressive and discriminatory actions of the BJP government and refusal to
8 denounce violence, those inciting violence, and those officials evading their duties to keep
9 order and peace; now, therefore, be it

10 RESOLVED, That the San Francisco Board of Supervisors reaffirms San Francisco as
11 a welcoming city and expresses solidarity with San Francisco's South Asian community
12 regardless of religion and caste; and, be it

13 FURTHER RESOLVED, That the San Francisco Board of Supervisors opposes the
14 Citizenship Amendment Act, the National Population Register, and the National Register of
15 Citizens in India, which together are discriminatory to Muslims, caste oppressed, women,
16 indigenous peoples, and the LGBTQ community and any other efforts that render vulnerable
17 populations anywhere to become stateless, scapegoated, and targeted for discrimination,
18 violence, and the abrogation of human rights that are universal to one and all; and, be it

19 FURTHER RESOLVED, That the San Francisco Board of Supervisors, to safeguard
20 our democratic values and national security interests, calls on and urges other municipalities
21 and the United States Congress to join them in the call for the Parliament of India to uphold
22 the Indian Constitution by repealing the Citizenship Amendment Act, stop the National
23 Register of Citizens, close all detention facilities detaining de-naturalized citizens, take steps
24 towards helping refugees by ratifying various UN treaties on refugees, explore U.S. and U.N.
25 sanctions; and to:

- 1 a) Respect the human rights of all people and adhere to international human rights
2 law,
3 b) Condemn, at the highest levels, all religiously motivated violence, including
4 violence which targets religious minorities, and
5 c) Prosecute anyone actively inciting violence, including violence against peaceful
6 protestors and journalists; and, be it
7

8 FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby directs
9 the Clerk of the Board to transmit copies to the members of Congress from San Francisco and
10 the United States Senators from California with a request to take all action necessary to
11 achieve the objectives of this Resolution.
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सत्यमेव जयते

भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 71] नई दिल्ली, बृहस्पतिवार, दिसम्बर 12, 2019/अग्रहायण 21, 1941 (शक)
No. 71] NEW DELHI, THURSDAY, DECEMBER 12, 2019/AGRAHAYANA 21, 1941 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 12th December, 2019/Agrahayana 21, 1941 (Saka)

The following Act of Parliament received the assent of the President on the 12th December, 2019, and is hereby published for general information:—

THE CITIZENSHIP (AMENDMENT) ACT, 2019
No. 47 OF 2019

[12th December, 2019.]

An Act further to amend the Citizenship Act, 1955.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Citizenship (Amendment) Act, 2019.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title and
commencement.

Amendment
of section 2.

2. In the Citizenship Act, 1955 (hereinafter referred to as the principal Act), in section 2, in sub-section (1), in clause (b), the following proviso shall be inserted, namely:—

"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;"

57 of 1955.

34 of 1920.

31 of 1946.

Insertion of
new section 6B.

3. After section 6A of the principal Act, the following section shall be inserted, namely:—

Special
provisions as
to citizenship
of person
covered by
proviso to
clause (b) of
sub-section (1)
of section 2.

'6B. (1) The Central Government or an authority specified by it in this behalf may, subject to such conditions, restrictions and manner as may be prescribed, on an application made in this behalf, grant a certificate of registration or certificate of naturalisation to a person referred to in the proviso to clause (b) of sub-section (1) of section 2.

(2) Subject to fulfilment of the conditions specified in section 5 or the qualifications for naturalisation under the provisions of the Third Schedule, a person granted the certificate of registration or certificate of naturalisation under sub-section (1) shall be deemed to be a citizen of India from the date of his entry into India.

(3) On and from the date of commencement of the Citizenship (Amendment) Act, 2019, any proceeding pending against a person under this section in respect of illegal migration or citizenship shall stand abated on conferment of citizenship to him:

Provided that such person shall not be disqualified for making application for citizenship under this section on the ground that the proceeding is pending against him and the Central Government or authority specified by it in this behalf shall not reject his application on that ground if he is otherwise found qualified for grant of citizenship under this section:

Provided further that the person who makes the application for citizenship under this section shall not be deprived of his rights and privileges to which he was entitled on the date of receipt of his application on the ground of making such application.

(4) Nothing in this section shall apply to tribal area of Assam, Meghalaya, Mizoram or Tripura as included in the Sixth Schedule to the Constitution and the area covered under "The Inner Line" notified under the Bengal Eastern Frontier Regulation, 1873.'

Reg. 5 of 1873.

Amendment
of section 7D.

4. In section 7D of the principal Act,—

(i) after clause (d), the following clause shall be inserted, namely:—

"(da) the Overseas Citizen of India Cardholder has violated any of the provisions of this Act or provisions of any other law for time being in force as may be specified by the Central Government in the notification published in the Official Gazette; or";

(ii) after clause (f), the following proviso shall be inserted, namely:—

"Provided that no order under this section shall be passed unless the Overseas Citizen of India Cardholder has been given a reasonable opportunity of being heard."

Amendment
of section 18.

5. In section 18 of the principal Act, in sub-section (2), after clause (ee), the following clause shall be inserted, namely:—

"(eei) the conditions, restrictions and manner for granting certificate of registration or certificate of naturalisation under sub-section (1) of section 6B;"

6. In the Third Schedule to the principal Act, in clause (d), the following proviso shall be inserted, namely:—

Amendment
of Third
Schedule.

'Provided that for the person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community in Afghanistan, Bangladesh or Pakistan, the aggregate period of residence or service of Government in India as required under this clause shall be read as "not less than five years" in place of "not less than eleven years".'

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only