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## Hindu nationalism fueling strife: How India's citizenship amendment act impacts the Indo-Pakistani Kashmir conflict

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**Hindu nationalism fueling strife: How India's citizenship amendment act impacts the Indo-Pakistani Kashmir conflict**

by

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Iowa State University

Ames, Iowa

2020

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*“You are free...You may belong to any religion or state or creed; that has nothing to do with the business of the State. We are starting with this foundational principle that we are all citizens and equal citizens of one state.”*

*- Quaid-E-Azam*

## **ABSTRACT**

Does India want a unified and diverse country? This question has been under review after the Bharatiya Janata Party (BJP) enacted the Citizenship Amendment Act of 2019 (CAA), led by Prime Minister Narendra Modi. The amendment has divided India by further discriminating against the Muslim minority community, threatening secularity, and provoking violence. Prime Minister Modi has the goal of fully integrating Kashmir into India, but as Hindu nationalism spreads throughout India, this goal is mystifying. The amendment has provided the Prime Minister a boost of support from the Hindu majority community and those with similar values, while international attention has turned negative. The Kashmir conflict will move backward, as India is unwilling to acknowledge its citizens and find a lasting solution with Pakistan. I advocate for the CAA's termination to end discrimination against Muslims and unite India as a diverse and robust democracy that wants to find solutions to conflicts that involve its citizens and territory.

*Keywords:* Indian Citizenship Amendment Act, Kashmir Conflict, Hindu Nationalism, Discrimination, Narendra Modi

## INTRODUCTION

India has become a significant player and been in the crosshairs of international relations in recent years as the Kashmir conflict has grown more aggressive. As India and Pakistan have become nuclear powers, any militarized conflict between the two countries is of concern. The enactment of the Citizenship Amendment Act of 2019 could be an irritant in the Kashmir conflict as both are grounded in religious means.

The signing of the Citizenship Amendment Act in the year 2019, also known as the CAA, caused a rippling effect across India, the subcontinent, and the world. As India becomes a rising power, eyes are always on it and its actions, domestically and internationally. Alongside the CAA, India has revoked rights that gave autonomy to Jammu and Kashmir's administered territory in 2019. Allies and adversaries have condemned India, provoking the study of how the CAA impacts the already contentious Kashmir region and India's relationship with Pakistan in finding a solution.

The Bharatiya Janata Party has promoted Hindutva, a political ideology that emphasizes Hindu culture, nationality, and religious aspects as the prominent identity of India. Its core concept is that national identity and religion are synonymous. The CAA presented another opportunity for the Hindu nationalist Prime Minister to gradually make India a Hindutva state while proclaiming he is for India and empowering all. Modi has taken the time to chide previous Indian leadership from the past sixty years and emphasizes his policies for India, including the outcomes of the CAA to move closer to Hindutva, emphasizing "patriotism, the glory of our ancestors, and respect for culture" (H. Ahmed 2020b). As Kashmir continues to be a battleground region between India and Pakistan, it is essential to analyze the CAA in its role in



A United Nations-brokered military Line of Control (LOC) that is 460 miles long was established in 1949 to split the regions and act as a ceasefire line. Pakistan controls Azad Kashmir, also known as the “Northern Areas” or Azad Jammu and Kashmir (AJ&K). This region has a population of around 3.5 million people, with almost all residents being of the Muslim faith. India's Kashmir region is Jammu and Kashmir (J&K), split into the known culturally diverse regions of Kashmir, Jammu, and Ladakh, where about eighty percent of the population is Muslim; in the regions of Kashmir and Jammu, only twenty-eight percent are Hindu. In the Ladakh region, there is not a significant number of Hindu residents, with Muslims and Buddhists splitting the majority of the population (Kronstadt 2019).

India and Pakistan have fought three major wars over Kashmir in 1947-48, 1965, and 1999, with solidarity agreements signed after each war, but proving fruitless as exorbitant conflicts have prevailed along the Line of Control (Ganguly 2006). India was keen to show that the province could do well as a secular state, while Pakistan would make it another Muslim province within its country. The CAA is vital to India’s goal, while arguably discriminatory towards the majority religion of Kashmir, Muslims.

In 2019, the BJP abrogated Article 370, involving moving 45,000 troops into Kashmir, revoked article 35A (the basis of Kashmir’s autonomy), and placing Kashmir in a lockdown, which included switching off Kashmir’s internet. Along with the Indian government authorizing 25,000 domicile certificates of Kashmir residency to Indians (many being Hindu refugees), these actions have raised many eyebrows (Chatterji 2020). These actions uphold a history of promoted violence that has resulted in around 100,000 deaths since 1990.

## **BACKGROUND OF BJP**

The CAA has a long history within Indian politics and defines who is a citizen and a foreigner. The Rashtriya Swayamsevak Sangh (RSS) political party is a right-wing party that longed for a Hindu state and started the wheels turning for their ideal state with the Citizenship Act of 1955. The RSS founded the idea of 'Hindutva,' a Hindu state superior to a secular state inspired by "European ethnonationalism and fascism" (Al Jazeera 2019). Hilal Ahmed discussed the Hindutva ideology with RSS leader Mohan Bhagwat, and the leader claimed that the RSS did not want a Hindu state; they want a Hindutva nation's constitutional state (H. Ahmed 2020b). This far-right ideology has influenced the BJP, led by Prime Minister Narendra Modi, since 2014. Indian citizens have voiced their support for the BJP with 226 million votes, and thus the CAA to protect and empower their brethren persecuted across different lands.

In India, the Bharatiya Janata Party (BJP) gained power in 2014 on a Hindu nationalist platform. Before coming into power, they directed many movements, some peaceful and others violent. Hindu-Muslim divisiveness became more profound in the 1980s when the BJP gained influence and national prestige similar to the Indian National Congress party, a slightly left of center political party. One act of aggressiveness was building a temple in the place of a mosque in a town built by the Mughal emperor Bābur, who spread Islam's message while also being tolerant towards Hindus and other religions. In 1992, Babur's mosque was destroyed by Hindu mobs and led to riots across India with over 2,000 casualties and a scar that reignited the animosity on both 'sides'. The destruction was a catalyst connected in the BJP's 2019 election manifesto, stating that it would "explore all possibilities within the framework of the constitution and all necessary efforts to facilitate the Ram temple's expeditious construction in Ayodhya" (Bhardwaj 2019).

The BJP is actively working to create a Hindutva state as seen in their right-wing extremist political appointees, Hindus' support in violent protests, executive orders such as those affecting Kashmir, and the election manifestos of 2014 and 2019. Efe Peker summarizes the BJP's concentrations, the main components listed as framing practices, mobilizing structures, and political opportunities. In the BJP's documents and press releases, she notes a tone and strategy of "the eruption of mass social movements and a political party ... that represented a majoritarian, chauvinistic, anti-minority ideology of Hindu supremacism." Peker concludes that the BJP has a strategy to provoke violence (Bhatt 2001; Peker 2019).

The BJP's Election Manifestos of 2014 and 2019 outline their goals and prerogatives for the next five years, ranging from agriculture to foreign policy and national pride. The manifestos are very similar in the priorities but have revisions based on goals met from 2014 – '19. In researching each document, they state crystal clear goals and are not hesitant to state those that may provoke domestic and international rebuttal; for example, the 2014 election manifesto states the abrogation of Kashmir's article 370 privileges directly and keeping Jammu and Kashmir an "...integral part of the union..." (Party 2014).

The manifestos include minority inclusion, specifically mentioning Muslims, and in 2014, the presumed support for the minority religious communities was higher than in the 2019 manifesto. These documents envision a prerogative to continue to support the majority Hindus while appeasing the international community in mentioning the minorities. In 2014, the BJP election manifesto stated, "BJP recognizes that no nation could chart out its domestic or foreign policies unless it has a clear understanding about itself, its history, its roots, its strengths and failings" (Party 2014). A clear understanding is vital to ensure no repetition of mistakes, and the country stands on its moral leaders' backs that encompasses its goals.

## WHAT IS THE CAA?

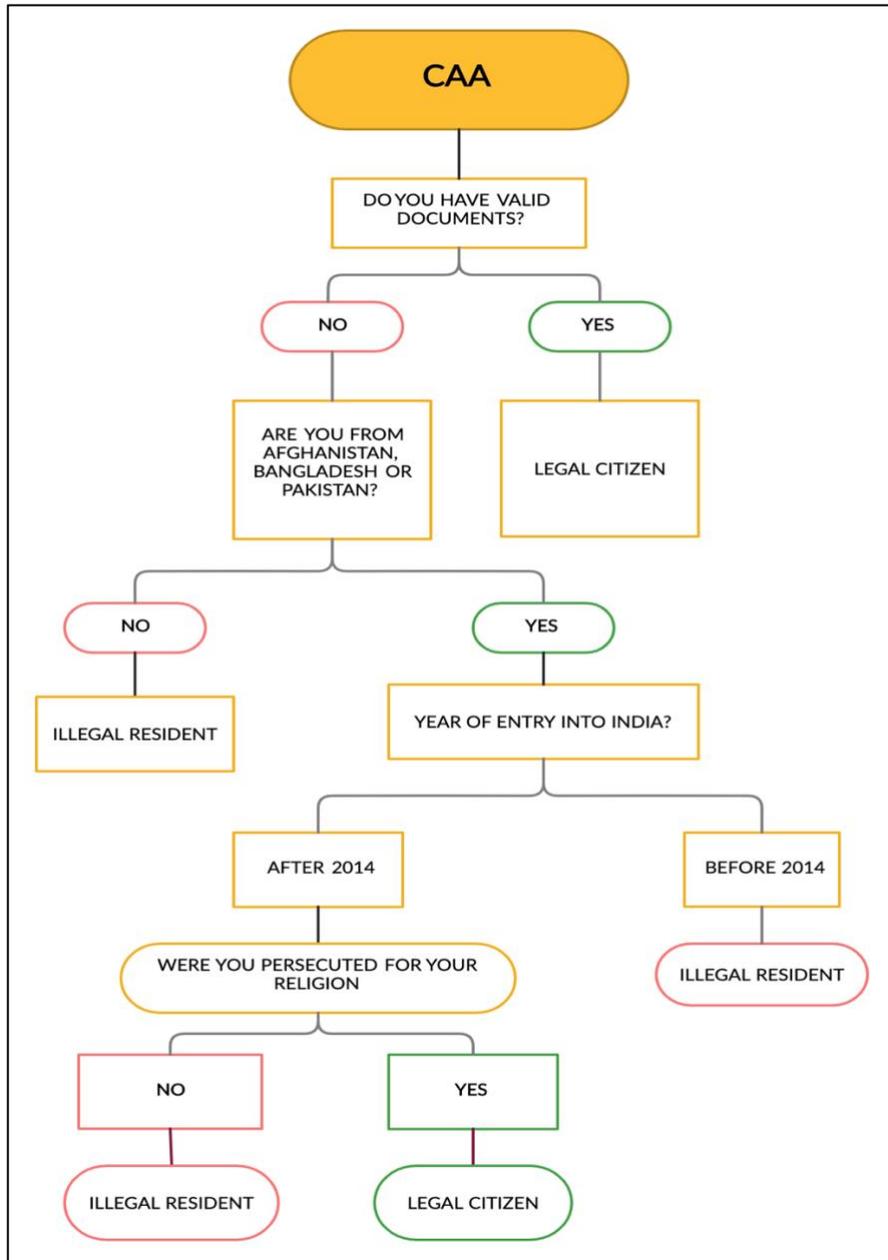
The CAA is a reflection of the BJP's election manifestos and a step towards a Hindutva state. It acts as a shield allowing discrimination against those not envisioned and the biggest threat to a Hindutva state, Muslims. Immediately acknowledged is that Muslims are left out of the CAA's list of religions for gaining citizenship and thus protections from the Indian government. In the Indian constitution, citizens have a "Right to equality, including equality before the law, the prohibition of discrimination on the grounds of religion, race, caste, sex or place of birth, and equality of opportunity in matters of employment" (Government of India n.d.).

The Citizenship Amendment Act of 2019 is a controversial act signed into law by the Bharatiya Janata Party (BJP), led by Prime Minister Narendra Modi, on December 12, 2019. The CAA is an amendment of the Citizenship Act of 1955 that allowed immigrants to migrate to India or Pakistan after India's 1947 Partition. It outlines the rules for determining Indian citizenship and has been amended multiple times. In the 1986 amendment of the CAA, migration became associated with illegality, and valid travel documents became necessary to move between these countries and qualify as an Indian citizen (Javed 2020). The newest amendment in 2019 was unprecedented as it provides legal status to undocumented migrants of Hindu, Sikh, Buddhist, Jain, Parsi, or Christian faith minority communities from Afghanistan, Bangladesh, or Pakistan. Figure 1 outlines the generic process of the CAA. The proviso inserted into the 1955 Citizenship Act reads as follows:

*"Provided that any person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan, ..., shall not be treated as an illegal migrant for the purposes of this Act" (Ministry of Law and Justice 2019).*

The CAA structure is strictly laid out to outline who is a preferred migrant. The CAA supports those of the prescribed religion, country, and timeframe to be legal citizens of India. The mandatory years of stay were amended from 12 years down to 6 years before applying for citizenship for the minority communities.

Figure 2: Citizenship Amendment Act Diagram



Source: Author's own interpretation.

## **POLICY ISSUE**

So why is the CAA a big deal in India? As I will discuss later in the paper, the CAA takes a religious role in a constitutionally secular state and can undermine the world's largest democracy. While the CAA's influence on domestic policy is most prominent, another matter of importance is the CAA's influence on Kashmir and the relationship with Pakistan.

While an internal matter, the CAA shows policy initiatives the government is willing to take to ensure its strength and power. Pakistan has repeatedly warned its neighbors about the CAA and the abrogation of article 370 and that India could trigger the nuclear threshold if they did not stop taking injudicious actions (R. Q. Ahmed 2020). Pakistan views the CAA as another act of hostility towards religious and political freedom that will spill over into Kashmir and make tensions even higher and see India as provoking them to show their dominance and authority. While not having a stellar human rights record, India sees it as an opportunity to bring awareness to Pakistan's treatment of minorities in response.

As the world views India's actions, Pakistan and others are reluctant to say that India is doing the right thing for its people and neighbors. Jawaharlal Nehru stated in 1954 that "India will stand by her international commitments on the Kashmir issue and implement them at the appropriate time" (Nehru 2006). India has proven to recant from agreements it is had with Pakistan and Kashmir, stipulating a nervousness throughout its neighborhood. Will India go too far and wreck any chance Kashmir has at normalcy? Most likely.

The CAA is a fundamentally discriminatory policy towards Muslims, and Kashmir is a Muslim majority territory. Kashmir has an estimated 71% Muslim population, a Hindu population of 26%, and the remaining 3% of Buddhists and Sikhs (EFSAS 2017). Islamic states

surround India, and in only listing three countries in the CAA, they are leaving out minorities that are persecuted against also. India says that it wants to aid its neighbors, the Kashmiris, but mistreats and aggravates them, as told below.

Prime Minister Modi not only wants a Hindutva state but also territorial unity with the Muslim majority Kashmir. Modi's government claims that India is a secular country and a haven for those who have faced persecution. However, there is a zero-sum attitude relayed to Kashmir and India's minority communities. Azad Kashmir, Pakistan's claimed region, also faces limited freedom and heightened violence, with political parties in Azad Kashmir becoming extensions of Pakistani parties. Pakistan's Kashmir Chief Toqeer Gilani stated, "Our slogans were that Kashmir should have the right of self-determination and that Indian and Pakistani forces should both leave Kashmir" (Hashim 2019).

Both countries treat their claimed territories as less than their respective countries' citizens and have fought three major wars and an innumerable number of altercations. A figure in the Appendix displays significant conflicts in Indo-Pakistan relations. They both acclaim they want peace and harmony regarding the region and LOC, but neither will budge on territorial or religious lines. The CAA only harshens the rhetoric between the respective countries. Each has canceled meetings that could reignite communal peace as each commit 'atrocities' against one another. The latest dealbreaker being the CAA and India devising against Pakistan and its people (Muslims). Where do Kashmiris belong? They are discriminated against by the CAA, BJP, and Modi supporters.

## **BJP IN ACTION**

Gandhi is an inspirational figure in the manifestos that have shaped the civil consciousness of India. He is a well-respected peacemaker between Hindus and Muslims in spreading religious pluralism. Yogesh Kamdar, a son of Indian freedom fighters, emphasizes that the BJP's Hindutva ideology is against Gandhi as he promotes secularism and not his religious authority (Frayer 2019). This leads to an assumption that while the BJP understands its roots and the country's history, they still do not align with a peaceful partition Gandhi promoted and will only look out for its own people. The BJP goes further in the 2019 election manifesto, emphasizing that 2014 allowed for a strong and decisive government and enabled the BJP to fill some of the most significant shortcomings of five decades of dynastic rule in India (Party 2019).

In the portions for these documents specifying their plans, there are no mentions of religious unity. To recognize this, in a word search of the election manifestos, the 2014 manifesto explicitly mentioned the word 'religion' three times, and in 2019, it was not mentioned. Equally surprisingly, equality is prevalent throughout these documents, but there is a distinct lack of acknowledgment of discrimination. When there was any mentioned, it was briefly in 2014 encompassing women's rights to education and jobs without prejudice (Party 2014; Party 2019).

However, in evaluating the manifestos and actions of the BJP, it acts in ways actively discriminating against the Muslim community, stemmed in large part by the CAA. The BJP has an evident lack of Muslim representation in its party and supports activities such as promising to build cow shelters and build the commercial cow dung industry, which is a direct linkage to the cow being considered sacred in Hinduism (Christophe Jaffrelot 2019). The Indian government

talks of Muslim empowerment but does little to make it happen, making many wary of the intentions of the BJP and making non-Hindu and other Indian residents uncertain of their future in India.

One of the most significant victories in the CAA's passing is the stepping-stone it provides in implementing the long-planned 'National Registry of Citizens' (NRC). The NRC is already constitutionally mandated from the 2003 Citizenship Act changes, which allows "disassociating citizenship from social or political membership and ties (birth, lineage, length of stay, or social relationships) and instead made it a matter of possessing the right documentation, subject to record, verification, and surveillance" (Venkatesh and Ahmad 2020). With the CAA and NRC, minorities listed in the CAA as protected and meeting the time requirements are protected from being deported. The NRC is a tool to verify all citizens in India legally, an activity that could endanger 'illegal' migrants' livelihood with the threat of being sent to detention camps and deported if they do not have papers to show they are citizens of India or protected under the CAA (Venkatesh and Ahmad 2020).

The Assam region of northeastern India was the first to have this registry implemented after Modi's swearing-in, and the outcomes have created distress and confusion comparable with the CAA. The Human Rights Watch documented the outcomes and found a lack of accounting for the lower-income residents. They are unlikely to possess documentation, and officials conducting the process do not have standardized procedures, ultimately leaving just under two million people off Assam's registry. As of November 2019, over 900 people have been detained for lack of documentation. Since the start of the NRC and CAA passing and implementation, suicides have increased from fear of their citizenship status, in addition to suicides from other conflicts in India (Human Rights Watch 2020). This is only in Assam, with a Hindu majority.

As a result of the Coronavirus pandemic, the registry has halted its operations, but plans for detention center buildings and those likely to be deported living in fear continues. Where those planned on being deported will go is unanswered, as many have been residents of India for generations.

The CAA allows Prime Minister Modi to show his base and political allies that he will stand up for those with the Hindutva vision and has cemented his role within the government. With 77 percent of Indians identifying as Hindi, this is a way for Modi to appease his followers and creates a more powerful pulpit on which to spread his message for years to come (Majumdar 2018). His base makes up a large majority of Indians, and he has no reason to go against their wishes or be roped in by the international communities' preferences. If he did, it could threaten his position as Prime Minister. While outside of India, Modi may be facing international condemnation, the majority of Indians support the action. As India vies for a more prestigious and grander role in the international order, the authority he exemplifies through laws and actions is advantageous to shaping his perception to the world as a strong and forceful leader and signals that countries should not try to intervene in India's affairs.

In India, the prime minister is not constrained by term limits but by the confidence of the Lok Sabha, the lower house of Parliament in India. As long as the BJP can remain in the majority, Modi has the power to do whatever may be on his or the BJP's agenda. The five-year term limit of the members of the Lok Sabha is a motivator for the prime minister to take action. However, it is unlikely another party will take the majority as India is a Hindu majority nation with a nationalist leader and a nation that wishes to gain more global influence, virtually ensuring the CAA's survival (Central Intelligence Agency 2020).

## **ARGUMENT FOR THE CAA**

The Act has been very controversial with its purposeful exclusion of those identifying as Muslim. The government has made the humanitarian argument for the CAAs exclusion as the listed minority communities have faced persecution in their home countries. While still facing a backlash as the bill was signed, Prime Minister Modi tweeted, “A landmark day for India and our nation’s ethos of compassion and brotherhood! ... This Bill will alleviate the suffering of many who faced persecution for years” (Samuel 2019).

The BJP states that the CAA is not about harming anyone in India but helping those persecuted. The Home Minister of the BJP specifically mentions Pakistan, "Congress people, listen...Oppose (CAA) to the extent you can. But we won't sit quiet till each oppressed refugee from Pakistan gets Indian citizenship," he said. "We will rest only after giving citizenship to all these people. Nobody can stop us from doing so." he added (India 2020).

Prime Minister Narendra Modi asked: “why don’t you speak against Pakistan’s atrocities against minorities” (Bengaluru 2020). Pakistan has no grounds to speak of religious persecution as it is happening in their country and are hypocritical in any argument on protectionist policies for minorities. While some may argue that the Indian government is mistreating immigrants, the BJP says they do not infringe on fundamental human rights and dignity; they do the reverse. Residents of India and those abroad see the CAA as an act of humanitarianism by supporting those persecuted (India 2019). These facets mentioned show constitutional permissibility but edge the line of rectitude.

Some compare the CAA to the United States Lautenberg Amendment, occurring during the cold war that gave Jews and Christians from the USSR and a handful of Southeast Asia

countries refugee states in the U.S. Although this comparison might make CAA supporters feel better about themselves, the comparison is flawed because the U.S. law is flexible to current conditions, is meant to cater to refugees, and stop race, caste, creed, religion, or nationality prejudices (Dalmia 2020). In contrast, the CAA caters to them.

## **CRITIQUES OF THE CAA**

Legal rhetoric is a fine line to walk if defending a national policy. It shows a suspicious nature that could imply underlying motives for the CAA. In developing a legal defensive of a policy, an ethical dimension needs to be analyzed if constitutionalized. The Harvard Law Review outlines the ethical dimensions of defending a policy. Even if a policy or law passes by technical legality, it does not mean it is not causing harm or is ethical. For example, if a guilty person is acquitted of a crime, they will likely repeat the behavior. Because the court did not convict the person, the court facilitates future harm (Harvard Law Review 1999). Validating the CAA can still cause damage without being refuted by the Lok Sabha.

The BJP defends the CAA in tactful ways. They do not use the term minority to avoid the inclusion of Muslims. A constitutional expert analyzed the CAA and criticized the lack of using the word minority. Minority implies an open, secular group that would include all groups, and naming communities on a religious basis goes against the established Constitution principles (H. Ahmed 2020a; Secretariat 2019).

Sarvepalli Radhakrishnan, an academic scholar, a philosopher, and a former President of India, is a strong advocate of Indian secularism. He puts into perspective the freedoms all Indians should have, including India's claimed residents in Kashmir (Fabian 2015).

*“We hold that no one religion should be given preferential status, or unique distinction, that no religion should be accorded special privileges in national life, or international relations for that would be a violation of basic principles of democracy and contrary to the best interest of religion and government... no group of citizens shall arrogate to itself rights and privileges which it denies to others. No person shall suffer any form of disability or discrimination because of his religion but all like should be free to share to the fullest degree in the common life” (Fabian 2015).*

In critiquing the policy, there are some evident concerns aside from technical details. Secularity in a democratic nation is threatened with the implementation of the CAA. India defined secularism in its constitution as nationalism as a political context, comprising those who inhabit sovereign Indian Territory and where all citizens are equal. This was a time when Jawaharlal Nehru and the Hindu traditionalist were the primary representatives of Hinduism. Modi and his party are Hindu nationalists, which differ in that they see India as being formed by Hindus, and the traditionalists were focused on the cultural aspects (Christophe Jaffrelot 2019).

The ideology posed can change how a nation is developed, idolized, and run. The CAA is a preview of where Modi wants the country to go and how the constitution should be amended. It threatens the secularity of India by infringing on civil liberties. The former secretary-general of the Lok Sabha (the lower house of India’s parliament), Subhash Kashyap, discussed the implications before the Joint Parliamentary Committee on Citizenship in 2019. He states, “...I submit that mentioning minority communities, namely, Hindus, Sikhs, Jains, Parsis, and Christians, is violative of the Constitution because Article 14 is very clear that all persons on the soil of India, once anyone is on the soil of India, cannot be discriminated on grounds of religion.

So, my humble submission for your consideration would be that if we do not change this, it may be thrown out by the Supreme Court within minutes” (Tripathi 2019).

While the argument for the CAA constitutionality was made, Dr. Chandrachud states it is unconstitutional by today's standard of affairs compared to the era of partition when migration and refugees fled to where they would be safest. Religious grounds were the primary motives to leave or come to India. The CAA adds to the secularity debate that started at the partition and is present today. P.S. Deshmukh, the former Minister of Agriculture in the first cabinet of Jawaharlal Nehru in 1952, remarked that “I think that we are going too far in this business of secularity," he said. “If the Muslims want an exclusive place for themselves called Pakistan, why should not Hindus and Sikhs have India as their home?” (Chandrachud 2020). The not so hidden premise of the BJP and Nehru is amplified by policies catering to Hindus since the country became sovereign.

Constitutional morality is integral to a well-established and functioning democracy. A state follows a set of laws that set the foundation for right and wrong, specifying those in the country’s freedoms. B R Ambedkar, a former member of the Indian Constituent Assembly, argues constitutional morality is necessary for peaceful working and sustenance of a democratic constitution (Roy 2019). He makes the connection between the form of administration and the form of the constitution must be appropriate for each other. A bill can change the spirit of the constitution that it was founded on. As a nation changes and grows, interpretation can vary, but morality should never be compromised in a real democracy.

In a highly contentious field on morality and the means associated with it and its application to constitutions, Justice Chandrachud promoted the idea that “Constitutional morality,” he found, “reflects that the ideal of justice is an overriding factor in the struggle for

existence over any other notion of social acceptance” (Chandrachud 2020; Supreme Court of India. 2018). India is the largest democracy globally but fails to protect all of its residents from the root of the divide, religion with secularity.

India has not signed the 1951 Refugee Convention or the 1967 Protocol relating to the Status of Refugees, also the Convention against Torture, which prohibits refoulement (Chaudhry 2019). Without these guidelines for treating others in time of need or persecution, it can be hypothesized that the country could be working its way to the point of ethnic cleansing if a Hindu extremist with limited morals is placed into office. If the CAA is signed, India will violate these conventions because of discrimination regarding religion and country of origin, showing a lack of morality, especially as India vies for world influence and a place in the United Nations Security Council (United Nations High Commissioner for Refugees 1951).

Numerous major news outlets and organizations such as the BBC, Vox, Human Rights Watch, Amnesty International, the Carnegie Endowment for International Peace, and more researching the CAA have concluded the same discriminating cases within the CAA. It is missing minorities like Jews, Shi’as, Ahmadiyas, nonbelievers and skeptics, who might confront severe abuse in the neighboring nations; it embraces a self-assertive date of December 31, 2014; it forgoes neighboring nations (like Sri Lanka, Nepal, and Myanmar); it rejects those mistreated for non-strict reasons, and it loosens up the residency requirements for citizenship by naturalization for the groups subject (Amnesty International India 2020; BBC News 2020; Human Rights Watch 2020; Christophe Jaffrelot 2020; Samuel 2019).

Vox reported on a letter signed by Indian intellectuals that stated, “The idea of India that emerged from the independence movement is that of a country that aspires to treat people of all faiths equally.” However, this bill, the intellectuals said, is "a radical break with this history" and

will "greatly strain the pluralistic fabric of the country" (Samuel 2019). Also, the U.S. Commission on International Religious Freedom and Human Rights Watch sees India as playing a dangerous game that could lead to international sanctions and internal conflict (Human Rights Watch 2020). The Freedom House conducted a survey in 2019 analyzing democracy and pluralism. It details the NRC, CAA, and Article 370 as threatening secularism. In assessing political rights and civil liberties, India was given a score of 71 out of 100 for the previously mentioned variables, and with a decline from the last survey in 2018 (Repucci 2020). As the policies are further implemented and effective, the score is likely to keep declining.

## **CAA EFFECT ON INDO-PAKISTANI RELATIONSHIP**

Fundamental rights are being contradicted by the Human Rights Declaration of 1948 that grants the right above race or religious distinction as observed by Mihika Poddar and directly in the Indian constitution (Javed 2020). This spills into the Kashmir conflict between India and Pakistan and will make finding a resolution between the two more challenging for a myriad of reasons.

The Kashmir region has seen conflicts that can only be inflated by India implementing the CAA, and Pakistan is only more suspicious and nervous about what comes next. India has become more hostile towards Kashmir with article 370 and a lockdown that has left Kashmiris in the dark without access to the outside world. While being willing to meet with India to find a resolution, Pakistan only condemns and agitates India. Pakistan and India both want Kashmir to be integrated into their countries, but the religious and ethnic differences cause too much strife between them. India and Pakistan have duplicated the blame game that young children play.

India has blamed Pakistan for perpetuating conflict along the Line of Control to “bleed India with a thousand cuts” (Kronstadt 2019).

Carolyn James authored an article that looked at the religious factors of ethnic conflicts. Religion is the primary cause of conflict surrounding Kashmir, allowing the CAA to devastate Pakistan and Kashmiris with its anti-Muslimism policies. She concluded that the Hindutva nation that the BJP and CAA are promoting had increased tensions in Kashmir and Kashmiri politics have become more vulnerable to centrist views (James and Özdamar 2005a). India is already displeased with the Kashmiri people wanting their own state and sovereignty. As Kashmir grows farther apart from India, the likelihood India will place more troops and enforcement in Kashmir grows.

India sees the Kashmir region as a way to be superior to its rival Pakistan, from the beginning of its history, with Kashmir’s first leader asking for assistance to protect from a possible Pakistani attack. Kashmir also acts as a symbol for secularity and state-building in the predominantly Hindu state (James and Özdamar 2005b). The CAA challenges this assumption as it does not promote a secular state and invalidates Kashmir’s Muslims in gaining Indian citizenship. Pakistan has pushed back as it sees secularity as impossible for India and Kashmir and believes Kashmir should be part of the Islamic state, supporting and empowering Muslims.

## **POLICY RECOMMENDATIONS**

In analyzing India's current state and the policies the Citizenship Amendment Act has allowed, it is recommended to nullify the CAA of 2019. India is on the path of creating a discriminatory country that is hostile towards people not identifying as Hindu or having similar

values. In accord with the Delhi High Court's allowance to pass the CAA, constitutional morality needs a makeover in how it evaluates laws and legislation. The government should also repeal the Citizenship Act of 1955. Also, any citizenship law should grant nationality to all children born in Indian Territory, regardless of the parents' nationality or statehood.

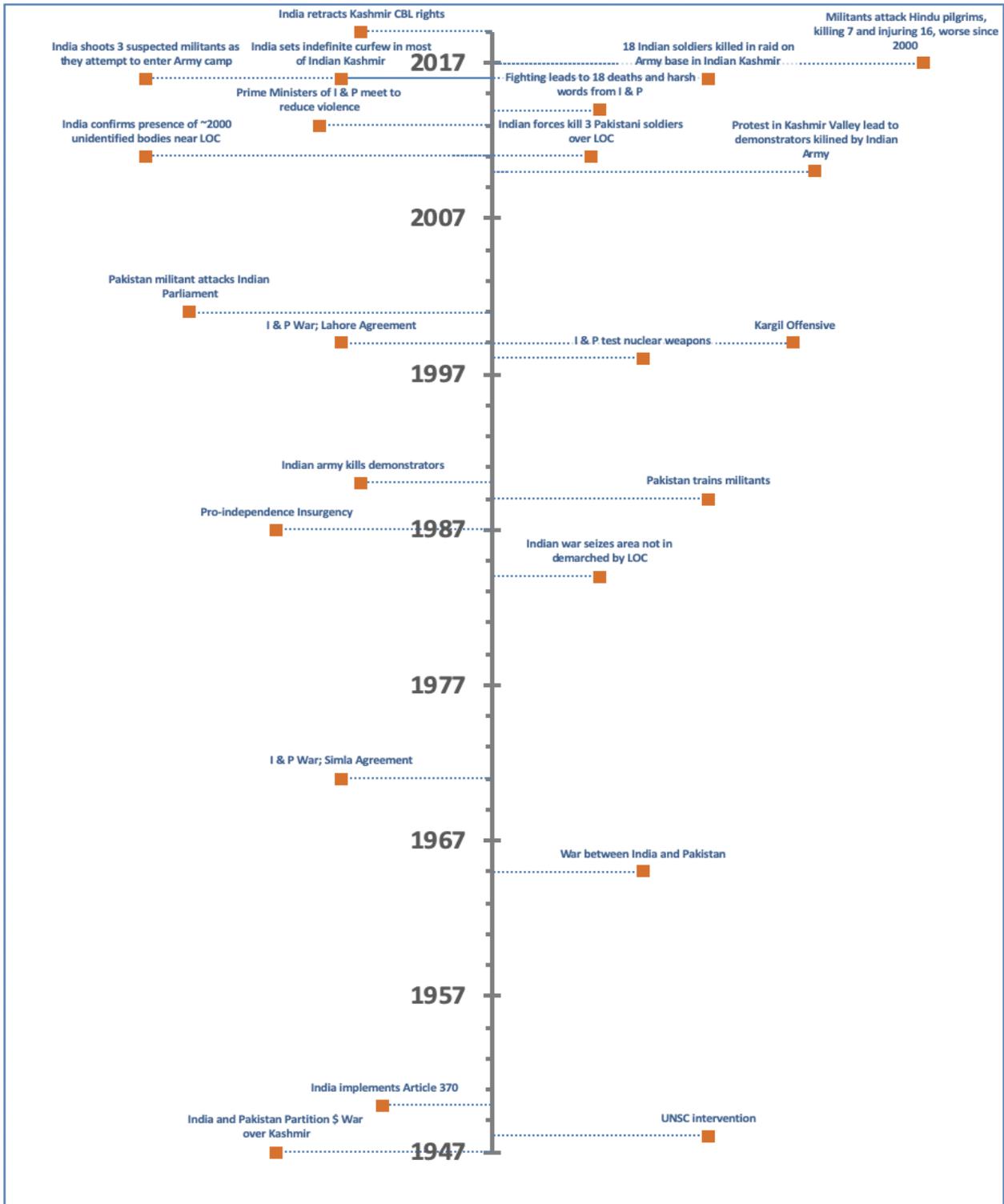
In the trying times of a global pandemic and rising tensions, the Indian government should stop any plans for the National Register of Citizens until there is a standardized and non-discriminatory implementation procedure to temper the growing Hindutva sentiment. Regarding Kashmir, India needs to take the high road to find a solution or long-term cooperative agreement with Pakistan to relieve Kashmiri's difficulties. While ideal, these are not politically viable options during the Modi administration because of the overwhelming number of seats held in the Lok Sabha by the BJP. The principal recommendation is to protect the fundamental rights and freedoms of all Indian residents, whether or not they can prove their citizenship status.

## **CONCLUSION**

The CAA is discriminatory and tells Muslims that they will never be loyal enough to India. With secularism on the decline and the BJP continuing to take actions that infringe on Indian Muslims and Kashmiris, the CAA encompasses the Hindutva ideology that is the discriminatory factor. The Indian government should re-evaluate what is best for the whole of India and its relationship with Pakistan in the Kashmir region.

# APPENDIX 1

## Timeline of Kashmir



Source: Author's own.

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