

THE OPPRESSION OF MUSLIMS IN INDIA AND THE DEEPENING MUSLIM COUNTRIES' DIVIDE

Hamza Kyeyune



INSAMER

IHH İNSANİ VE SOSYAL ARAŞTIRMALAR MERKEZİ
IHH HUMANITARIAN AND SOCIAL RESEARCH CENTER
مركز البحوث الإنسانية و الاجتماعية

To cite this article: Kyeyune, Hamza. "The Oppression of Muslims in India and the deepening Muslim countries' divide", INSAMER, 22.01.2020.

 Analysis

India passed the Citizenship Amendment Act (CAA) that grants citizenship based on religion, excluding Islam. The new citizenship law, which is an amendment of a 1955 legislation, allows Indian citizens to migrate from some of India's neighboring countries providing they are Hindu, Christian, Buddhist, Sikh, Parsee or Jain, but does not make the same provision for Muslims, a major religion in South Asia.

Critics say the law is discriminatory as it singles out Muslims in an officially secular nation, something similar to President Donald Trump's 'Muslim ban' under which Muslims from few countries were banned from seeking asylum in the US. They point out that the move is part of a Hindu supremacist agenda pushed by Prime Minister Narendra Modi administration since it came to power

in 2014. Previously Modi's party Bharatiya Janata Party (BJP) vehemently opposed the arrival of Rohingya refugees and threatened to deport them back to Myanmar despite the Muslim minority facing ethnic cleansing back home.

BJP spokesperson Nalin Kohli maintained that the law grants citizenship to minorities who face religious persecution in neighboring Muslim-majority countries. He added that for Muslims, there are countries that were established exclusively for them.

The United Nations High Commissioner for Human Rights called the law "fundamentally discriminatory." Jeremy Laurence, spokesman for the Office of UN High Commissioner for Human Rights Office said that the amended law appear to



INSAMER
IHH İNSANİ VE SOSYAL ARAŞTIRMALAR MERKEZİ
IHH HUMANITARIAN AND SOCIAL RESEARCH CENTER
مركز البحوث الإنسانية و الاجتماعية

undermine the commitment to equality before the law enshrined in India's constitution and India's obligations under the International Covenant on Civil and Political Rights and the Convention for the Elimination of Racial Discrimination, to which India is a State party, which prohibit discrimination based on racial, ethnic or religious grounds.

The National Register of Citizens (NRC)

India's CAA was followed with a divisive citizenship test called The National Register of Citizens (NRC), conducted in Assam state in Northern India on Aug 31, possibly soon to be implemented nationwide.

All residents in the state of Assam, along the Bangladesh border, had to produce documentary proof that they or their ancestors had lived in India since 1971. Out of the 33 million of Assam's population, about 2 million failed the test, and these people now risk being rendered stateless. The exercise that was meant to exclude Bangladeshi undocumented immigrants, saw many genuine Indian citizens also left out.

Changing historical sites from Muslim to Hindu names

Another anti-Muslim move by Modi's government involves changing historical sites from Muslim to Hindu names, following a court decision on November 9 2019, where a five-member bench of the Indian Supreme Court gave a unanimous verdict legitimizing the unlawful demolition of the historical Babri Masjid in Ayodhya, Uttar Pradesh, razed by Hindu zealots with the aim to build a temple on the site.

During a deadly riot in 1992 that caused more than 2,000 people – most of them Muslim – died, extremist Hindu groups, political

parties along with BJP leaders, destroyed the wall of the 16th century Babri Masjid with iron rods at a disputed site in the far-north city of Ayodhya, 550 kilometers (340 miles) East of New Delhi. The Supreme Court ruled that the site where Hindu mobs destroyed a 460-year-old mosque was a violation of law, however the same institution handed over the very site to Hindu community.

In their justification over what was done to the mosque, Hindus claim that Lord Ram, a physical incarnation of god Vishnu, was born in Ayodhya, and a temple in his name predated the mosque. They say that in the 16th century, Babur, the first emperor of the Mughal Islamic dynasty, built a mosque on top of the structure.

Another anti-Muslim move by the Modi administration is the stripping away statehood from what was India's only Muslim-majority state, Jammu and Kashmir, and indefinitely incarcerating hundreds of Muslim Kashmiris.

On August 5, India withdrew a legislation guaranteeing autonomy and exclusive land rights to Kashmir, a highly contested land between India and Pakistan, currently held by India and Pakistan in parts and claimed in full by both. A small sliver of Kashmir is also held by China. Since they were partitioned in 1947, India and Pakistan have fought three wars, in 1948, 1965 and 1971, two of them were over Kashmir. Some Kashmiri groups in Jammu and Kashmir have been fighting against Indian rule for independence, or for unification with neighboring Pakistan.

Article 370 of the Indian Constitution granted Kashmiris a special status, with the right to have their own state flag, their own constitution even initially their own prime minister and that India would only have control over Kashmir's foreign affairs,



communications and defense. There is another provision called article 35A, which allowed the Kashmiri state to determine who the permanent residents of the state would be. Permanent residents in the state would be able to hold property, buy and sell land. The local state wanted to make sure that the Muslim majority demographic of Kashmir would be conserved, and that the Hindu community would not easily come into Kashmir to buy land and slowly change the demographics from a Muslim majority to a Hindu majority.

So the full incorporation of Kashmir and overturning of article 370 and 35A have been a campaign tool for Hindu nationalists for decades. For them, this entire Indian subcontinent is a Hindu place, so for this Muslim majority space to have any kind of special status is a special privilege that they don't deserve. Article 370 wasn't implemented, all of the provisions that Kashmir had been given were eroded over time. While earlier governments, mostly led by the Congress party, would skirt around such tricky situations through diplomacy, the ruling BJP intends to structurally alter the way the state is governed.

The constitution itself, states that changes could only be made to this article with the concurrence of the Jammu and Kashmir Constituent Assembly. The Constituent Assembly was the predecessor to the Legislative Assembly that exists in the state today. So, effectively and legally, that article could not be abrogated because there is no actual Constituent Assembly.

So in the run up of events, India shut down the Internet for the entire Kashmir territory. In fact, India shuts down the internet in Kashmir over 50 times in just one year; Hindu pilgrims and tourists were told to

leave Kashmir, and then troops came in to set up concertina wires and bunkers among others. These led to panic among the public, causing chaotic scenes at grocery stores and gas stations, because people were trying to get as much fuel and supplies as they could since they didn't know what lay ahead of them and how long it would last. As India was taking these steps before August 5, it let the international community know that it had received notice that there was about to be a terrorist attack in Kashmir, and that was why it was taking these steps.

The Indian government was also quick to arrest and detain Kashmiri leaders, activists and civil society groups including the pro-Indian group leaders, because although these groups support India's control, they still maintain some loyalty to the idea of Article 370, so mobilizing the public to fight against this revocation was a risk that the government obviously would not gamble with.

Since the incident the Indian government has not allowed foreign journalists to enter Kashmir. But that does not mean that the world is blind to what was happening. Kashmiri journalists would write up their stories, take pictures, put them on a pen drive and pass them to someone who was traveling to Delhi, and then the messenger would give them to other journalists to publish those stories.

When these events came to light, US Congresswoman Rashida Tlaib, presents a resolution in the US House of Representatives against Indian atrocities and human rights violations in occupied Kashmir. In the resolution, the Indian government is strongly criticized for unilaterally scrapping the special status of occupied Kashmir, without a direct consultation or the consent of the Kashmiri people. The resolution affirms

that any change to the status of Jammu and Kashmir must be made through direct consultation with the Kashmiri people, who must play a central role in the determination of their future.

The Indian government was also criticized for the arrest and indefinite detention of thousands of people of all ages to control the public, including minors as young as nine, in Jammu and Kashmir, using the Public Safety Act, which violates article 9 (2) of the International Covenant on Civil and Political Rights.

After Khan's AWOL from the Kuala Lumpur (KL) Summit 2019 divided, can Malaysia and Turkey still trust Pakistan?

Pakistan's Prime Minister Imran Khan, Turkey's President Recep Tayyip Erdogan and Malaysia's Prime Minister Dr Mahathir Mohamad held a trilateral meeting in September in New York on the sidelines of the UN General Assembly session, and agreed to organize the Kuala Lumpur (KL) Summit 2019 in Malaysia.

Imran Khan was to address the summit he helped to organize and raise the issue of Kashmir, backed by Malaysia, Turkey and Iran to condemn India's lockdown on Kashmir, something that the OIC has done virtually nothing concrete about. The countries participating in the KL Summit 2019 have been quite critical of India's recent developments in Jammu and Kashmir. In view of that, India reached out to its ally Saudi Arabia and other allies in the Muslim world to refrain Pakistan.

A few days before the summit, Imran Khan visited Saudi Arabia, a country that had extended a helping hand to his government in its early days to survive economic crisis.

Saudi Arabia wanted Pakistan to stay away from the KL Summit 2019 at the request of India. During Modi's trip to the kingdom in October, Saudi backed India on the issue of cross-border terror and has maintained neutrality over the Kashmir issue since India imposed a security lockdown. On the other hand, KL Summit 2019 was perceived by Saudi Arabia as a direct challenge to its dominance of the Muslim world, and an attempt to form an alternative bloc parallel to the existing Organization of Islamic Cooperation (OIC) guided by Saudi Arabia.

After his visit to Saudi Arabia, Imran Khan pulled out from the KL Summit 2019 he helped to organize. Foreign media such as Pakistan's Geo News reported that Khan was pressurized by Saudi Arabia to withdraw from the summit. However, Malaysia's Mahathir Mohammad denounced the report. Mahathir also stated that the summit is not a platform to replace the OIC, but forming a network of Muslim leaders, intellectuals, scholars and thinkers from around the world, revive the Islamic civilization, and exchange ideas about the issues revolving in the Muslim world. The summit's key issues included: The Rohingya refugee crisis, Uighur mass detentions in China, War in Yemen, Gender inequality and Economic disparity.

Kashmir and KL Summit 2019 underscore the deepening differences in the Muslim world. Reluctance to act consistently with regard to the basic principles of human rights at the expense of business ties juxtapose the Muslim World in a precarious situation. It is more profitable to come up with a common framework for action that creates sustainable standards of engagement than maintaining a perceived less volatile relationship that is not sustainable.