

**EXAMINATION OF INDIAN  
CITIZENSHIP AMENDMENT  
ACT (CAA) IN THE CONTEXT  
OF HINDU NATIONALISM,  
ISLAMOPHOBIA / ANTI-ISLAM,  
AND INTERNATIONAL LAW**

Ayşenur Ayg l & Mobassera Jahan Fatima

Migration Research Foundation (GAV)  
Ankara, August, 2021



## CONTENTS

INTRODUCTION .....	1
METHOD AND SCOPE OF THE REPORT .....	2
<b>1. SECTION I: EXAMINATION OF INDIAN CITIZENSHIP AMENDMENT ACT (CAA) IN THE CONTEXT OF HINDU NATIONALISM AND ISLAMOPHOBIA .....</b>	<b>3</b>
1.1. India Country Profile .....	3
1.2. What is the Citizenship Amendment Act 2019 (CAA)? .....	5
1.3. How did the criteria for determining citizenship has changed along with the CAA? .....	5
1.4. Other Legislative Change Related to the CAA: NRC and NPR .....	6
1.5. Controversial and Unexplained Issues by the CAA .....	8
1.6. Protests Against CAA .....	8
1.7. February Riot (2020) .....	9
1.8. Developments After the Protests and the Unlawful Activity Prevention Act (UAPA) Debate .....	10
1.9. Reactions of Various International Organizations to CAA .....	11
1.10. As an Ideology Hindutva or Hindu Nationalism Debate .....	11
1.11. The Rise of Right-wing Populism and India's Transformation from Multiculturalism to Hindu Nationalism .....	13
1.12. Islamophobia/Anti-Islamism and India .....	14
1.13. BJP's Efforts to Increase Islamophobia/Anti-Islamism in India .....	15
1.13.1. Love Jihad .....	16
1.13.2. Anti - Conversion Laws .....	16
1.13.3. Ghar Wapsi (Back to home) Campaign .....	17
1.14. Other Factors in the Rise of Islamophobia/Anti-Islamism and Hate Crime in India .....	17
1.14.1. The Triple Talaq Ban Judgement and Controversies on it .....	18
1.14.2. Holy Cow, Cow Slaughter Laws, and Vigilante Groups debate .....	18
1.14.3. Changing of Autonomous Status of Jammu and Kashmir .....	19
1.14.4. Babri Mosque Verdict .....	19
1.15. Hate Speech, Fake News and Media Against Muslims in India .....	19
<b>2. SECTION II: ANALYSIS OF CITIZENSHIP AMENDMENT ACT (CAA) IN INDIA IN THE CONTEXT OF INTERNATIONAL LAW .....</b>	<b>21</b>
2.1. CAA and International Law .....	21
2.1.1. Citizenship Law in India .....	21
2.1.2. Evaluation of CAA and NRC in terms of International Law .....	22
2.1.2.1. International Law and Citizenship .....	22
2.1.2.2. Analysis of CAA and NRC in the Context of International Law .....	23
<b>CONCLUSION .....</b>	<b>26</b>
<b>REFERENCES .....</b>	<b>28</b>



# EXAMINATION OF INDIAN CITIZENSHIP AMENDMENT ACT (CAA) IN THE CONTEXT OF HINDU NATIONALISM, ISLAMOPHOBIA / ANTI-ISLAM, AND INTERNATIONAL LAW

Ayşenur Aygül<sup>1</sup> & Mobassera Jahan Fatima<sup>2</sup>

## INTRODUCTION

Since its independence in 1947, India has been famed as the world's largest secular state and democracy, by adopting multiculturalism that includes various languages, religions, and ethnic groups. However, this atmosphere in the country began to change in 2014 when the Hindu nationalist party-Bharatiya Janata Party (BJP) came to power with an overwhelming victory in the general elections. When Prime Minister Narendra Modi's BJP party came to power, the principles of multiculturalism and secular constitution have practically started to slide to Hindu nationalism. The finest example of this situation is Modi's keen ideological and organizational ties with Rashtriya Swayamsevak Sangh (RSS), a Hindu nationalist and paramilitary volunteer organization. Besides, after 2014 this subject organization acquired huge power and was accused of applying various forms of violence against Muslims and Dalits. After a while, this situation in practice was also reflected in the legislative areas, the two most remarkable examples of which are the change of Kashmir's special status and the Citizenship Amendment Act 2019 (CAA) that is the main subject of this report. After the passing of the subject law, mass demonstrations started across the country and the BJP regime tried to suppress them with police forces. However, there is a point that should be underlined here. Although Hindu nationalism and anti-Islam events seem to have emerged in the country's agenda very recently, the background of these incidents date back to the early periods of Indian history.

In this report, political and ideological background of CAA will be analyzed and CAA will be examined within the framework of the Citizenship Law and International Law. Before starting this legal analysis, it should be kept in mind that the Citizenship Laws are beyond being a mere legal text, but a product of a country's political, social, and even economic history. Therefore, as it is stated from the beginning of the report that these discussions will deal with two different sections which are in fact related to each other.

The CAA, which introduced certain amendments to the Citizenship Act of India and foresees negative discrimination against Muslims in accepting Indian citizenship, was shaped under the influence of rising Hindu nationalism and Islamophobia in the country. The CAA and the National Register of Citizens (NRC), which are designed to be part of it and threaten to leave millions of Indian Muslims stateless, and the National Population Register (NPR) are regulations created in

<sup>1</sup> Araştırmacı, Türkiye Göç Araştırmaları Merkezi (TÜGAM), Göç Araştırmaları Vakfı (GAV), E-mail: aysenur.aygul@gocvakfi.org

<sup>2</sup> Araştırmacı, İslam Düşmanlığı ile Mücadele Merkezi (İDMAM), Göç Araştırmaları Vakfı (GAV); E-mail: mjfatimamoni@gmail.com

line with the competencies arising from India's own sovereign rights. Although states have wide authorities in making regulations regarding their internal affairs due to their sovereignty, these authorities are not absolute and unlimited. At this point, states are expected to act within the boundaries drawn by international law. The evaluation of CAA, NRC, and NPR in the context of international law is very important in terms of showing whether India is acting within the boundaries of international law or in violation of them and revealing whether the national and international criticisms of these legal regulations are justified.

The aim of this study is to reveal the political and ideological background of the "Citizenship Amendment Act 2019" and to examine it in the context of international law. In this regard, in the first part of the report, the political and ideological background that led to the CAA will be revealed. In the second part of the report, the compliance of CAA, NRC, and NPR with international law will be discussed within the framework of the boundaries drawn by international law.

## METHOD AND SCOPE OF THE REPORT

In this report, the "Secondary Research" method and the qualitative "Focus Group Interview" technique were used as the research method. Through this research process, primary sources were taken to consideration by examining the legal texts of CAA, NRC, and NPR. Besides, news reports published in various online newspapers, analyzes, the opinions written by the experts, research reports prepared by different research institutions, related articles, and thesis were taken to consideration as secondary sources.

Afterward, a two-day-long workshop was held on the online platform on behalf of the Migration Research Foundation to ensure the accuracy of the data obtained through the primary and secondary sources. South Asian students (From India, Kashmir, and Bangladesh) who study in various departments at the postgraduate level in Turkey and Turkish scholars also took part in this workshop. Besides various presentations on CAA, the information gained by the secondary research method was testified by using the 'Focus Group Interview' technique. The presentation topics that were presented at the workshop are as follows: "Relations among CAA, NRC and NPR", "CAA in the context of religious discrimination and the secular constitutional debate", "From Multiculturalism to Hindu Nationalism", "The rise of populism in India", "Statelessness- a new challenge for migration! Potential Migration to Bangladesh", "Citizenship and Citizenship Law in India", "Rising of hate crime against Muslims", "The Kashmir Issue", "Media as a Propaganda Tool in the BJP Era, The Effect of Social Media on the Rise of Fake News", "Unlawful Activities Prevention Act (UAPA)", "How the ongoing tension effects the image of India in the international arena (Workforce in the Middle East, its impact on the Indian diaspora, the relationship with neighboring countries, the impact on foreign investments and so on)", "Evaluation of CAA and NRC in terms of International Law".

Within the scope of this research, CAA is discussed in the context of Hindu Nationalism, Anti-Islamism, and International law. The primary research questions examined in this study were following:

- Why did people from all classes and religions take part in the protests against the CAA?
- Who, apart from Muslims, will be the victim when the CAA comes into the application?



- What threat does the CAA pose to India's multicultural and secular structure?
- What is the origin of Hindutva, or Hindu nationalism, which has recently risen in India?
- Is there a connection between the Hindu Nationalist BJP's coming to power and its marginalization of Muslims, Islamophobia, and the increase in hate crimes?
- What are the limits of the authority drawn by international law to states in legislating citizenship laws?
- What are the sources of citizenship in international law?
- What are the sources of international law that are binding for India and include citizenship-related provisions?
- Does India violate its obligations under international law?

## **1. SECTION I: EXAMINATION OF INDIAN CITIZENSHIP AMENDMENT ACT (CAA) IN THE CONTEXT OF HINDU NATIONALISM AND ISLAMOPHOBIA**

### **1.1. India Country Profile**

India, located in South Asia, is the second most populous country in the world after China and the world's most populous democracy. Geographically, the country is surrounded by the Indian Ocean to the south, the Arabian Sea to the southwest, and the Bay of Bengal to the southeast, and shares border lands with Pakistan to the west. Besides, neighboring countries with China, Nepal and Bhutan in the north, and with Bangladesh and Myanmar in the east. Also, India shares a maritime border with Sri Lanka and Maldives in the Indian Ocean, along with Thailand and Indonesia in the Andaman and Nicobar Islands (Schwartzberg, et al. 2021).

Moreover, to being the largest among the developing countries, India is one of the few countries that has had stable democratic governments since its independence (Sengupta, 2009: 147). The defining features of India are its diversity in terms of religion, caste, language and culture. It has twenty-eight states, seven union territories, 22 national languages, 1162 other languages and dialects, and almost all religions of the world have adherents in the country (Sengupta, 2009:1). However, according to the Jammu and Kashmir Reorganization Act 2019, it is the first time that a state (Jammu and Kashmir) has been transformed into two Union Territories against protests of Kashmir (J&K and Ladakh). Hence, as of January 26, 2020, the total number of the states in India are 28 and the total union territories are 8 (Arora, 2020) (Picture 1).





**Figure 1:** Map of India's state and union territories, Source- <https://www.mapsofindia.com/>

India is important not only for its diversity mentioned above, but also because it is a classic example of a multicultural, multi-religious state that follows a policy of multilingualism (Sengupta, 2009:1). India adopted a form of federal government after independence to provide a certain degree of autonomy to the states to formulate their own laws and policies to help different language groups preserve and develop their language and culture. In the Federal structure of India, the sub-national units -the states that make up the Union of India- are formed mainly on a linguistic basis.

According to the most recent census in 2011, India's population is 1.2 billion; with 966 million Hindus that make up 79.8% or about 80% of the total population, while 172 million Muslims make up 14.23 % of the total population (Ashesh and Thiruvengadam, 2017:2). This number therefore makes India the country with the third largest Muslim population in the world. Besides, Indian Muslim populations has different other categories like Sunnis, Shias, Bohras, Ismailis, Ahmadiyyas etc.

On the other hand, India has one of the earliest existing social stratum systems termed as "caste system" in the world. The Hindu Caste System, consists of four main categories: "Brahmins" (Mainly priests- who deal with the education and training of their religion), "Kshatriyas" (Senior soldiers and administrators), "Vaishyas" (Merchants and agriculturalists) and "Shudras" (Workers, peasants and servants) (Picture 2). Apart from these four main categories, there are "Achhoots", also termed as "Dalits (untouchables)" who are not included in this caste categories (Picture 2). Other numerically significant religious minorities in India are "Christians" (27.8 million), "Sikhs"

(20.8 million), "Buddhists" (9.25 million), "Jains" (4.4 million), and "Parsis" (57,264) (Ashesh and Thiruvengadam, 2017:2).



**Picture 2:** Hindu Caste System, Source: What is India's caste system? (2019, June 19). BBC News.

## 1.2. What is the Citizenship Amendment Act 2019 (CAA)?

The Citizenship Amendment Bill was passed by the Lok Sabha (People's Assembly) of India on 9 December 2019. Then, on 12 December 2019, the drafted Bill was signed by the President and became a law. The Citizenship Amendment Act 2019 (CAA) aims to amend the Citizenship Act of 1955 to quickly grant Indian citizenship to Hindu, Buddhist, Sikh, Christian, Jain and Parsi immigrants, excluding undocumented Muslims who allegedly fled persecution from Pakistan, Bangladesh and Afghanistan (Sinha, 2019). Besides, the time limitation for the naturalization is stated as 31 December 2014. Therefore, anyone deemed fit by the law but entering the country after this date will be deported. The amendment also eases the conditions for obtaining Indian citizenship for immigrants belonging to these six religious' groups. Thus, citizenship was tied to a religious criterion for the first time in India (Arpitha, 2020). Also, the Indian government is trying to legitimize this discrimination by claiming that it will help non-Muslims who face "religious persecution" in these countries to reside in India, since Muslims are the majority population in these three neighboring countries (Thirteen OIC Observatory Report On Islamophobia, 2020 :14). It should be noted here that illegal immigrants can be imprisoned or deported under the "Foreigner's Act 1946" and the "Passport (Entry into India) Act 1920". These two acts empower the central government to control the entry, exit and residence of foreigners in India (Singh, 2020). When all these legal regulations come together, serious problems arise for the Muslims in question.

## 1.3. How did the criteria for determining citizenship has changed along with the CAA?

The Citizenship Act 1955 provides 5 conditions for obtaining Indian citizenship. These are:



- a. Citizenship by birth (viz-Birth),
- b. Citizenship by origin (descent),
- c. Citizenship by registration (registration),
- d. Citizenship by naturalization,
- e. Citizenship by incorporation of territory (according to the Citizenship Act, 1955).

In accordance with the 1955 Act, a person can apply for citizenship if they meet the specified conditions. One of the conditions in question is that the person has to resided in India or served in the central government for the last 12 months, and at least 11 of the last 14 years (Sinha, 2019). Later, this period was reduced to 6 years. However, the Citizenship Amendment Act 2019 reduced this period to 5 years (Singh, 2020). In other words, for the illegal immigrant class with the specified religious criteria, the residence period has been reduced from eleven years to five years. Therefore, with the CAA, there has been a radical break with the basic principles of the Indian Constitutions' while namely the understanding that citizenship is open to everyone without discrimination (Kumar, 2020). For this reason, CAA is claimed to be the first law to break the principle of equality of secular and democratic citizenship rights regardless of religious affiliation in the country (Koduveri, 2020).

#### **1.4. Other Legislative Change Related to the CAA: NRC and NPR**

The CAA is linked to the National Register of Citizens (NRC), which has been driving the situation even more complicated in the country. NRC, known as the application of proving citizenship of Indian citizens, was introduced by the Citizenship Amendment Act of 2003. On the other hand, the National Population Register (NPR), which is seen as the first step of the NRC and is a list of all citizens and non-citizens residing in India and collecting demographic and biometric data on them, complies with the provisions of the Citizenship Act (1955). It was prepared for the first time in 2010. NPR, drafted under the influence of the Citizenship Rules 2003, includes a provision for "suspicious citizenship". This means that any "suspicious citizen" may be asked to present documents to prove their citizenship (Arpitha, 2020).

Here, the controversy is that the identification process for those with "suspicious citizenship" or "illegal immigrant" status under the pending NPR and NRC is not specific and leaves ample room for arbitrariness and abuse. Most importantly, they all lead to the targeting of Muslims (Mohanty, 2019). Both the CAA and the NRC are two parts of a chain of practices that exclude Muslims which are paving the way for the stripping off citizenship of millions of Indian Muslims. People who state that they are Indian citizens with the NRC are required to prove this. Here, people who cannot provide the relevant documents may become stateless. Ironically, within the context of the CAA, even if people belonging to the one of these six religious groups are unable to provide their documents for the citizenship will have a chance to acquire Indian citizenship, but the same is not the case for the Muslims (Adil, 2019). In this case, inequality emerges between the six religious' groups (counted in the CAA), and the Muslims. A Muslims who fails to provide the documents required by the NRC will be considered stateless because Muslims are not covered by the CAA, while six other religious groups people in the same situation are protected by the CAA ("Citizenship Amendment Bill: India's New 'Anti-Muslim' Law Explained", 2019). Even in today, a country where 38 % of the



Indian children under the age of 5 do not have their birth certificates, it seems that millions of the people will not be able to provide the relevant documents and thus their citizenship conditions will be compromised to be turns out (Changoiwala, 2020).

Prime Minister Narendra Modi's Hindu nationalist Party "Bharatiya Janata Party (BJP)" has long been against the illegal immigration in India but has made the NRC as a priority in recent years ("Assam NRC: What Next for 1.9 million 'Stateless' Indians?", 2018). But while the protests against the NRC continued on the one hand, and the other hand, very interestingly, just days before the publication of the NRC, the Indian Minister of Home Affairs backed down from this decision. Instead, the Indian government was decided to use the NPR's existing process, which took to the counts of the foreigners who are residing in India for the last six months or more (Arpitha, 2020). According to the adjudication, NPR was scheduled to be run from April 1 to September 30, 2020, to decide who is the "suspicious citizen". However, due to the Covid 19, implementation of NPR and the first phase of the Census 2021 has been postponed indefinitely (Singh, 2020).

In the context of this new law, some crucial questions have had arisen like: "Why the implementation of the NRC had sparked controversy?" and "Why was the government backtracking from it?". According to the experts, with the implementation of the NRC, oodles of Muslims will be deported, and millions will become stateless, especially in the eastern states of India, which border Bangladesh, on the pretext of lack of paperwork required to prove citizenship. However, oodles of Indians do not have the necessary birth certificates (of their own or their parents) to show that they reside in the country in question. That's why thousands of Indians have been held in internment camps for years without adequate food or medical supplies due to missing documents.

On the other hand, in the state of Assam<sup>3</sup>, courts have completed the state's recent paperwork review to determine who is a citizen or not. This review found that about two million of Assam's 33 million residents (oodles are extremely poor) are being "probably foreigners". Thus, this group, which is disproportionately composed of the Muslim population, is seen as "potentially stateless". It is unclear whether these people will be able to retain their property, possibilities include granting them basic rights and work permits, depriving them of rights such as voting. This may lead to a new migration, which will be heavily towards the neighboring country- Bangladesh ("Assam NRC: What Next for 1.9 million 'Stateless' Indians?", 2018). However, Bangladesh is home to more than 1.2 million stateless Rohingyas who migrated from the Rakhine state in western Myanmar and is not in a position to accept any migration from India (Kamruzzaman, 2021).

However, according to the experts, the reasons for the government's step back from NRC are the protests against the new law and the exclusion of Bengali Hindus from the citizenship list, as in the case of Assam. Most notably, this state's Bengali Hindus are one of the BJP's powerful constituencies ("Assam NRC: What Next for 1.9 million 'Stateless' Indians?", 2018). Besides, according

<sup>3</sup> Assam is one of the most multi-ethnic states in India. Identity and citizenship issues have plagued many people who have lived here for a long time. Among the inhabitants of Assam, there are Bengali and Assamese-speaking Hindus, as well as different tribes. One-third of the state's thirty-two million residents are Muslims, making up the highest number after Kashmir administered by India. Many of them are descendants of immigrants who settled there under British rule. Illegal immigration from neighboring Bangladesh, which shares a 4,000 km-long border with India, has been a concern for Assam for decades. According to the government's statement in 2016, there are about twenty million illegal immigrants in India, of which about five million are in Assam (Assam NRC: What next for 1.9 million 'stateless' Indians?, 2018 ve Khaitan, 2019).



to the pilot application data, Dalits (the lowest class of the caste system, even the lowest class outside of the classification), who are the victims of the caste system, which is the most significant element of the country's social order, are also exposed to discrimination. Because it has been disclosed that the majority of the 1.9 million stateless people in Assam are comprised of Dalits as well as Muslims, this situation leaks out the dark side of this regulation (Ünlü, 2019).

### **1.5. Controversial and Unexplained Issues by the CAA**

The CAA segregated illegal immigrants according to their root countries except only Afghanistan, Pakistan, and Bangladesh. However, the Statement of Objects and Reasons (SoR) in the Law provides no specific explanation for the inclusion of Afghanistan, while clarifying millions of undivided Indian citizens who are still living in Pakistan and Bangladesh (Gupta and Maheshwari, 2019; Sinha, 2019). SoR also states that these countries have held a state religion, which leads to religious persecution of minority groups. However, some other countries may fulfill this qualification.

For example, two of India's neighboring countries, Sri Lanka (state religion Buddhism) and Myanmar (which gives priority to Buddhism), have made policy decisions involving various discriminations against Tamil Ilams (a linguistic minority group in Sri Lanka) and the Rohingyas (Beech, Nang, and Simons, 2020; Sivapragasam, 2021). Two other examples of these illegal immigrants are other religious minorities from Pakistan, Afghanistan, and Bangladesh; for example, Ahmadiyah Muslims in Pakistan (Pakistan considers this group non-Muslim) and atheists who immigrated illegally from Bangladesh to India because of religious persecution. However, the bill in question did not explain not covering these minority groups. Therefore, if the purpose of the law is to provide citizenship to immigrants fleeing religious persecution, then it is unsuccessful to describe why illegal immigrants belonging to other neighboring countries or religious minorities from these three countries were excluded from the bill (Sinha, 2019).

Another controversy that got most criticism about the law is related to Article 14 of the Indian Constitution. According to the critics, subject law is a clear violation of the 14th article of the Constitution, which is about to eliminate fundamental discrimination of all Indian Citizens despite their caste, religion, gender, and place, etc. Besides, Article 14 of the Indian Constitution guarantees not only "equality before the law" but also "protection of the law" (Parry, 2020). Moreover, Article fifteen prohibits the state from discriminating against any citizen on the basis of religion, race, caste, gender, or place of birth. Thus, these two articles of the Indian constitution made CAA more controversial. Because it considered not granting citizenship to Muslim illegal immigrants from three countries based on their religious criterion which is contradictory with the Indian Constitution.

### **1.6. Protests Against CAA**

Violent protests erupted in Assam when the CAA presented in the parliament in December 2019. Later, when the bill passed, tensions escalated in the state where five people have died. At least 27 people were estimated to be killed as protests turned violent in Uttar Pradesh and Karnataka (Vaid, 2020). On the other hand, Shaheen Bagh, a Muslim-majority neighborhood in the capital, New Delhi, emerged as a remarkable place for protests and represented a micro-example of nationwide protests. The most striking point in the protests in Shaheen Bagh was the identity



of the protesters. Hundreds of women and other people, including various religious groups (such as Muslims, Christians, Sikhs, and Hindus), opposed the new law despite the government's violent actions.

However, since March 24, 2020, the quarantine period started in India due to the COVID 19 attack, then the protesters were bound to end their street protests (Sharma, 2020). Some critics accused Prime Minister Narendra Modi's government of using the quarantine period "very cynically" to maintain "the political agenda on issues related to minority protests and mass murder", especially when resistance and protest became virtually impossible (Bisht, 2020).



Picture 3: Banners used by protesters during the protest against CAA.

### 1.7. February Riot (2020)

Another horrific event that occurred during the protests against the CAA is the "February Riot 2020", which has been described as a "genocide (pogrom)" by the Delhi Minorities Commission (DMC), an independent legal body tasked with protecting the rights of religious minorities (Khan and Chakrabarty, 2021). In the Hindu-Muslim riot that broke out in North Delhi on February 23, 2020, and lasted for several days, 53 people, mostly Muslims, were killed and 250 injured (Bisht, 2020; Khan and Chakrabarty, 2021). About 2,000 people were displaced. According to Khan and Chakrabarty, 2021 the government and media were quick to brand the violence in question "riot" and the term continues to be widely used to refer to the events of February 2020. However, considering the human rights violations experienced during the incidences, it is also possible to use the term "genocide (pogrom)" to describe what happened in Delhi (Khan and Chakrabarty, 2021).

The results of the report by a fact-finding committee formed by the Delhi Minorities Commission (DMC) show that the violence in February 2020 was organized and systematic (Khan and Chakrabarty, 2021). Besides, the report mediately stated that the events were deliberately planned, triggered, and targeted. According to the report, victims had repeatedly stated that the perpetrators did not belong to their settlements, most of them were from outside. It was also noticed that

anything that would allow the perpetrators to be identified, such as security cameras, was destroyed (Khan and Chakrabarty, 2021). Besides, the report disclosed that during the investigation of the incident, more than one witness stated that even if violence occurred in front of the police and they were called many times, most of the time they were inactive or did not take any attempt. In one particular case, it stated that the police patrolling in the area refused to help, saying "there was no order to action". This indicates that denial of duty to prevent violence was not a one-time event or a localized operational failure, but a pattern of deliberate inaction over several days. Moreover, despite testimonies of survivors and documentary evidence of such an impact, the central government led by the BJP and the Delhi Police, were operating directly under the command of Home Minister Amit Shah. It had not launched any investigation against any BJP or allied party leaders accused of inciting the gangs in the aftermath of the violence. On the contrary, the victims themselves were accused and arrested by the police (Khan and Chakrabarty, 2021).



**Picture 4:** The picture portrays a firefighter walking through the past damaged shops in a tire market after being set on fire by a gang in an area affected by the February riot (Menon, 2020).

### **1.8. Developments After the Protests and the Unlawful Activity Prevention Act (UAPA) Debate**

While demonstrations and public sit-ins had to adjourn ahead of the Covid 19 quarantine, crackdowns on anti-CAA activists continued (Vaid, 2020). Hence, on April 1, 2020, the police arrested Jamia Millia Islamia (JMI) university students, Meeran Haider and Safoora Zargar, for their role in organizing protests against CAA (Bisht, 2020). Then, in September 2020, the situation in India flared up again with the arrest of Delhi student activist Umar Khalid and seven of his peers (Buchholz, 2020). They were charged under the Unlawful Activities (Prevention) Act (UAPA) for alleged conspiracy to incite communal violence in Delhi. In particular, targeting of Muslim names and their arrest under the counter-terrorism precaution with the context of UAPA had been condemned by various non-governmental organizations, writers, academics, and lawyers in India. They called these arrests the "endless witch hunt" (Bisht, 2020). Thus, although UAPA was enacted as a counter-terrorism measure in 1967, it gained notoriety when it had been used as a legal basis for accusations against protesters within the scope of protest actions during the post-CAA period (Buchholz, 2020). However, the protesters faced smear campaigns, police brutality, and harsh

media judgment that branded them as “anti-national,” and “jihadi” (jihadi) (Khan and Chakrabarty, 2021). This perception was created by the ruling Hindu-nationalist Bharatiya Janata Party (BJP), which led one of the most socially intense election campaigns in Delhi ahead of the regional elections.

### **1.9. Reactions of Various International Organizations to CAA**

The current treatment of Indian minorities, especially the marginalization and stigmatization of the Muslim community, has also drawn the attention of international organizations. For example, Human Rights Watch (HRW) described India's new citizenship law as discriminatory in a report dated April 9, 2020 (HRW, 2020). Meenakshi Ganguly, HRW's director for South Asia, commented in a statement on the CAA that “government policies have opened the door to police inaction and gang attacks that have aroused fear among Muslims and other minority communities across the country”. The report was based on more than 100 interviews with victims of abuse and their families, as well as legal experts, academics, activists, and police officials from the states of Delhi, Assam, and Uttar Pradesh (Niazi, 2020).

On the other hand, in April 2020, a detailed report by the US Commission on International Religious Freedom (USCIRF) categorized India, along with Saudi Arabia and North Korea, as a country of particular concern (Khan and Chakrabarty, 2021). “India had seen a sharp decline in 2019,” the report said. Besides, the report found that the National Government used its strengthened parliamentary majority to formulate nation-level policies that violate religious freedom in India, especially for Muslims. The report highlighted how “the CAA combined with the NRC can lead to the ‘statelessness, deportation and prolonged detention’ of Muslims. However, the Indian government rejected the report and accused USCIRF of “misrepresentation” (Khan and Chakrabarty, 2021). Besides, the Holocaust Watch Organization, a global movement to prevent genocide, put India on its alert list and stated that India is in the fifth stage according to a ten-stage list leading to genocide (Genocide Watch Report, 2020).

According to the 2021 Freedom House Report, India, the world's most populous democracy, fell from Free to Partially Free in the Freedom in the World rankings in 2021 (Repucci and Slipowitz, 2021). The report noted that Prime Minister Narendra Modi's government and its state-level allies continued to pressurize critics throughout the year. Also, the report states that the ruling Hindu nationalist movement encourages the scapegoating of Muslims who are disproportionately blamed for the spread of the COVID 19 viruses and facing unlawful attacks by the Hindu right wings (Ayyub, 2021). Rather than serving as a champion of democratic practice and a counterweight to the authoritarian influence of countries like China, the report highlights that Modi and his party are tragically driving India towards authoritarianism. It was also noted that there was concern about India's fall from the top rank of free nations which could have a particularly detrimental effect on global democratic standards (Repucci and Slipowitz, 2021). It was also noted that in December 2020, India's most populous state, Uttar Pradesh, was concerned about the passing of a law banning forced conversion through interfaith marriage and the arrest of numerous Muslim men for allegedly forcing Hindu women to convert to Islam (Repucci and Slipowitz, 2021).

### **1.10. As an Ideology Hindutva or Hindu Nationalism Debate**



India is a state that has been known for its multiculturalism throughout its history. According to the historians, India has managed to keep alive a set of religions, languages, ethnicities and cultures that have taken root in the country for more than fifty centuries. However, at the end of the 20<sup>th</sup> decennium the question about “Who is an Indian?” became a controversial topic in Indian society. Accordingly, at the beginning of the 21st century, out of it, Modern Hindu nationalists are trying to create a politicized Hindu nation with 80 percent of the Hindu population while excluding the Muslims and the Christians of India (Walsh, 2006: XVIII). When the Modi regime coming to the power, India’s multi-identity and multi-cultural character was deeply shaken as it tried to build a national identity based on Hindu supremacy. This atmosphere necessitated the discussion of Hinduism and Hindutva, and the relationship between them (if any). The question of the relationship between Hinduism as a religion and Hindutva as a political ideology has been on the agenda since the rise of the BJP on the Indian political scene from 1990 and its recent successes in the Indian national elections in 2014 and 2019 (Sharma, 2020). Hinduism is the name given to the oldest and most established religion in the Indian subcontinent. On the other hand, Hindutva is the common name of the ideology of the Hindu far-right groups that represented by the Hindu Nationalist political party “BJP”.

One of the most fundamental distinctions between “Hinduism” and “Hindutva” is that the former is perceived as tolerant, plural, eclectic and all-encompassing, while the latter is portrayed as a distorted and perverted manifestation of Hinduism. On the other hand, according to Kumar (2017), since tolerance is accepted as an innate quality of Hinduism and tolerance is essential for Hindu civilization, it emerges as a result that any existing conflict or disagreement must come from outside. As will be demonstrated below, this constitutes the fundamental dynamics of one of the most fundamental factors in the marginalization of members of non-Hindu religious communities in the country.

Hindutva, which is the ideological basis of a cultural organization RSS and its political branch BJP, is an important dynamic in Indian political life as it shapes the policies of the government and its attitude towards citizenship (Aatish, 2020). Hindutva- is the view that feeds Hindu nationalism in general (Pirbhai, 2020). Its historical origins date back to the 20th century. The founder of Hindu nationalism, Vinayak Damodar Savarkar, built the foundations of this idea in the early 20th century (Aatish, 2020). The beginning of this view is based on the tension between two different perspectives of looking at the same place as the modern country (India) or the holy land (Bharat). So, according to this discussion, while “India” represents a historical land; “Bharat” represents a mythical character of Hindus. While India points to an inclusive and embracing idea; Bharat, on the other hand, refers to an ancestral, emotional, exclusionary idea (Aatish, 2020).

Savarkar, a hero of the Hindu right-wing these days, and intellectually responsible for the “assassination of Gandhi” in 1948, wrote a book named “Hindutva: Who is a Hindu?” in 1923. He described who a Hindu is in his book like “Being a Hindu means a person who sees this land as his homeland from the Indus River to the sea, but also as his Holy Land” (Walsh, 2006:187; Aatish, 2020). In Savarkar’s view, the Hindu was the supreme Indian citizen. Everyone else (especially Muslims and Christians) are parasites or people who came as a result of foreign occupation. Besides that, according to Savarkar, the Hindus were not only a religious community, but also a historical, ethnic, linguistic and political group – in total a nation (Aatish, 2020).



Most importantly, this Hindu nation's relations with non-Hindus in South Asia are most extensively shaped not by the *Brahmanic*<sup>4</sup> thought, but by the *Orientalism* and the *fascism* (Pirbhai, 2020). This idea firstly essentializes Muslims as a foreign nation of invaders. Secondly, it provides a template for dealing with such enemies inside. Also, even after the atrocities of World War II, Savarkar wrote in his Hindu book *Rashtra Darshan* (1949) that "Nazism has undeniably proved to be the savior of Germany". He often drew parallels between Germans and Hindus, between German Jews and Indian Muslims. However, he did not openly want the destruction of the latter, instead embracing their religious assimilation and fell short as ghettoization was a necessity (Pirbhai, 2020; Sarkar, 2020).

In this sense, according to Pirbhai (2020), Savarkar was no different from Octavian Hume, the founder of the Indian National Congress, and those who proposed a liberal Indian nation. Also, all Indian nationalist ideologues have somehow dismissed the ethnic and linguistic diversity of South Asia. He also stressed that only religious diversity could not be so arrogantly avoided in the context of British colonialism, which essentialized religious community as the main marker of identity. The BJP has long operated as a part of broader Hindu nationalist groups, including a number of pandit-led parties and associations.

They trace a direct line between the westernized elite (and the Muslims of India). Therefore, in India, especially in the eyes of Hindu Nationalists, Muslims are outsiders. For this reason, with the coming to power of the Hindu Nationalist party BJP, the increasing hate crimes and rhetoric against Muslims is not surprising at all. However, it is a fact that this has left a deep wound in the image of India, which has consistently maintained democratic government since its independence in 1947, embraces diversity and is cited by multicultural advocates as a classic example of multiculturalism.

### **1.11. The Rise of Right-wing Populism and India's Transformation from Multiculturalism to Hindu Nationalism**

With the effect of globalization, the rise of populist and nationalist right-wing parties has been at the forefront in the world recently (Kumar, 2017). The actions and policies followed by populist parties in other countries of the world are also observed in India. Thus, right-wing nationalism in India stands out as another example among countries that have similar tendencies with the selection of the individuals like France's Deniz Le Pen and Austria's Sebastian Kurz, although they have distinctive differences (Thompson, Itaoui, & Bazian, 2019: 41). Therefore, the adoption of Hindutva ideology by right-wing nationalism in India and the search for "sociocultural homogenization" appear as the Indian pillar of the policies of populist and nationalist right parties around the world (Kumar, 2017). Also, Islamophobia or anti-Islamism is increasingly on the agenda throughout the world. Muslims and Islam are at the center of most right-wing nationalist movements around the world. These movements construct Muslims as a demographic, economic, spatial, cultural, political, religious or physical threat. Thus, it also mobilizes Islamophobia or anti-Islam. It appears in India as a part of this general trend in the world.

<sup>4</sup> Brahmanism- is a belief system represented by the Brahmins, who are at the top of the caste system and mentioned in the Brahmanas, which are the interpretation of the Vedas, accepted as the sacred script in India (Tumer, 1992).



On the other hand, Modi's CAA law also reminds of former US President Trump's "Muslim ban". In fact, the closeness between these two populist leaders was noted during a state visit of Modi and Trump to India on February 25, 2020 (Gettleman, Raj, and Yasir, 2020). Also, religious nationalism, similar to Trump's, gave the BJP an absolute majority in two successive national elections. According to Sakar (2020), this has made it easier for the BJP to cooperate with or exert pressure on most government agencies. Thus, the Indian government continued to silence anti-regime criticism and demonstrations with accusations of terrorism or anti-state insurgency. Moreover, many activists are subjected to brutal torture that violates basic human rights due to their criticism (Sakar, 2020). Typically, these accusations apply to Muslims and other minority groups, as well as academics, writers, artists, public intellectuals, and activists who are not affiliated with this right-wing view and who are members of the Hindu majority. What is worrying is that accusations against these groups result in riot charges and other criminal proceedings (Ashesh and Thiruvengadam, 2017:19).

Like other populist right-wing parties in the world, the BJP regime, which has implemented a policy of religious polarization in order to stay in power, has experienced one of the biggest violence events of the last forty years in the country where the tensions have escalated with polarization. The party lost the parliamentary elections in Delhi in February 2020. Disillusioned, BJP followers provoked social riots in Delhi during the official visit of former US President Donald Trump (New Delhi Communal Riot Affects India's Global Image, 2020). More than fifty people lost their lives due to the violence that followed, and thus, India's capital, New Delhi, again witnessed inter-communal riots in 2020, which it had not seen since the 1980s (Tiwari, 2020). These societal riots, as stated by former BJP member Sudheendra Kulkarni, "have adversely affected the global image of India, including Muslim countries" (New Delhi Communal Riot Affects India's Global Image, 2020).

On the other hand, as Kumar (2017) and Sarkar (2020) emphasized, Islamophobia/anti-Islamism and narrow exclusionary nationalism based on populist discourses continue to exist steadily in many parts of the world. Also, almost everywhere, the weakness of the opposition parties and their failure to create a counter-rhetoric and vision capable of powerfully stimulating the imagination and emotions of the people accompany it (Sarkar, 2020). Besides, it draws attention that the opposition parties do not have an adequate organizational device to reach the messages of peace, social justice and democracy to the public. Also, according to Sarkar (2020), the failure of "existing socialist states" to produce a credible democratic alternative leaves the global stage largely to empowering right-wing initiatives. So, in the process, people's real material needs are left unaddressed and their frustrations are skillfully turned into imaginary enemies who are even more vulnerable than they are. The increasing violence against Muslims in India and the supportive policies of the BJP government are examples of this.

Until recently, many scholars assumed that nationalism would decline and religious dominance would weaken. However, both of these assumptions have been severely refuted by developments in India over the past few years. Moreover, serious steps are taken to falsify this assumed tendency. The Hindu nationalist project seeks to reshape the education system and curriculum to "other" the Muslims. Besides, attempts have been made to reinterpret history to try to equate the decline of Hindu society with the arrival of Islam in India (Kumar, 2017).



### 1.12. Islamophobia/Anti-Islamism and India

Definition of Islamophobia, or to some anti-Islamism or hostility against Islam is a very controversial term. Although the term was first used in the 1990s, discussions regarding the appropriate definition of it are still continuing. However, a formal research on Islamophobia was initiated in November 1997 by the then British interior minister, Jack Straw, with the report entitled, *Runnymede Report 1997, Islamophobia: A Challenge for All of Us* (Kalin, 2011:8).

The subject report defined Islamophobia as “a fear, hatred, and hostility towards Islam and Muslims, a series of masked views that imply and ascribe negative and derogatory prejudices and beliefs to Muslims”. Besides, it also addressed that Islamophobia is based on “a viewpoint or a worldview that includes an insubstantial fear and aversion to the Muslims which resulting to exclusion and discrimination in practices”. This extensively defined term islamophobia now affects oodles issues, from politics and immigration to the education system (Kalin, 2011:8).

Islamophobia/Anti-Islamism could happen in various dimensions. Sometimes as racism, sometimes as xenophobia, and sometimes with a different mask, it can take different forms in different societies. But here, what needs to be taken into consideration is the issue of “othering” an individual or a group regarding their belief, appearance, color, race, and identity. Along with the technological development in the global arena, discrimination and hate crimes against Muslims in the education, employment, housing, and health sectors are increasing in an alarming way. Another serious concern here is that Islamophobia/Anti-Islamism continues to resonate strongly in the political arena, eventually leading to the institutionalization of Islamophobia through new laws and policies. India’s CAA issue that regulated the granting of citizenship by excluding Muslim immigrants, is the latest legal example of these discussions.

In general literature “9/11 attack” is recognised with playing a significant role in the rise of Islamophobia/anti-Islamic incidents; but its origins date back to earlier. Besides, recent developments showed that Islamophobia/anti-Islamism has moved beyond a Western issue and gained a global dimension. The most important reasons for this are the rising of right-wing populism throughout the world in recent years, migration, economic crises, the use of hatred as a political weapon, and globally marginalization against Muslims.

The origin of the marginalization and stigma towards Muslims, which has increased in recent years through India dates back to the British Colonial period. With the second constitutional amendment in India in 1976, the concepts of “secularism” and “socialism” were added to the Indian constitution (National Portal of India). Thus, an Indian state with many religions, languages, and cultures has emerged. But Hindu Nationalist groups have always opposed this system. This is the background of the deathful conflicts that arose from time to time between Hindus and Muslims in that region. However, with the landslide victory of the Hindu Nationalist Party (BJP) in 2014, the anti-Muslim sentiments increased drastically. Anti-Muslim or anti-Islamism in India occurs through different kinds of discriminations and stigmatization processes to the Muslims which mainly spread through the politicians’ rhetorics and the media discourses. According to Thompson, Itaoui, and Bazian (2019:36-37), in India, Muslims have been exposing to structural Islamophobia in accessing political, legal, educational, and working areas.

### 1.13. BJP's Efforts to Increase Islamophobia/Anti-Islamism in India



When BJP started its journey as a ruling party, there has been a significant increase noticed in hate crimes against Muslims in India. This situation has emerged as a result of the exercises initiated by the BJP to marginalize Muslims. These practices are as follows: "Love Jihad", "Anti-Conversion Laws", and "Ghar Wapsi (Returning to the old home)". Besides, the "Love jihad", the "Anti-Conversion Laws" and the "Ghar Wapsi" campaign not only increased hostility but also resulted in structural discrimination among Muslims in their daily lives and led to social tensions (Thompson, Itaoui, & Bazian, 2019: 11). For the significance of the subject, it is foremost to include the contents of these applications here that create such serious structural complicacies.

### 1.13.1. Love Jihad

The "Love Jihad" propaganda is based on the claim that "Jihad" in India is being perused by Muslim men tricking Hindu women into marriage to convert them to Islam (Rao, 2011). Proponents of the "Love Jihad" claim that young Muslim men, called "Romeos of Love Jihad", fight by capturing the hearts of "innocent" Hindu women (Thompson, Itaoui, and Bazian, 2019: 18). Right-wing nationalists in particular are constructing the "Love Jihad" as a strategy used by Muslim fundamentalists to increase population in a so-called demographic battle to outnumber Hindus.

While the practice of love jihad focuses its anger on Muslims, it derives its legitimacy from the "victim" Hindu woman. According to Hindu far-right groups, Hindu men have often been regarded as the special protectors of Hindu women and maintaining the "dignity" of Hindu women is defined as their sole privilege. Thus, attributions by Hindu men as "our women", which Hindu women have never claimed to be and regarding this all kinds of violence motivated by the name of protection of Hindu women are justified (Thompson, Itaoui, and Bazian, 2019: 90).

According to Amnesty International India and Indian Hate Crimes Watch reports, acts of violence targeting inter-religious relations in India had increased sharply since 2014, the same year BJP was elected as the ruling party (Malji, 2020:18). However, much of these data are likely to remain incomplete, as marital and relationship incompatibility has been considered to be private life issues and in this context acts of violence are not documented. However, since 2013, a large number of data indicated that the gangs of the BJP, the RSS, and the World Hindu Council (Vishva Hindu Parishad, VHP) are directly interfering with Hindu-Muslim marriages. The subject reports revealed that the growing number of violence targeting interfaith couples between 2013 to 2018 was mostly directed against Hindu-Muslim couples, where Muslims were being the victims of the attacks in 76% of cases (Malji, 2020:17-18). Although inter-caste and inter-religious marriages have long been subject to violence and so-called "honor" killings in this region but the growing public participation of the surrounding community in violence represents an alarming change here (Malji, 2020:17-18).

### 1.13.2. Anti - Conversion Laws

As well as Madhya Pradesh and Himachal Pradesh, India has passed anti-conversion laws in almost ten different states where other states are Odisha, Chhattisgarh, Arunachal Pradesh, Tamil Nadu, Gujarat, Rajasthan, Jharkhand, and Uttarakhand (Vishwanath, 2021). Critics claimed that with these laws, the Muslims and the Christians have been targeted unfairly in India, which forbid conversions based on enforcement, appeal, bribery, or dishonesty. Even in some states, converts



are obligate to register with local government officials at least one month before the incident (USCIRF Annual Report, 2018: 165). According to the USCIRF's Annual Report 2018 (165), religious minority leaders and advocates were subject to terrorization and detention due to these legislative changes during 2017 in India. The subject report also emphasized that in June of the same year, India saw the arrest of a Catholic nun and four other minority women, who were accused of provoking conversion. Besides, in April 2017, three Christians were arrested in the Khandwa region for allegedly converting people. Also, in July 2017, Sultan Masih, a priest at the Temple of God Church in Punjab, was publicly killed on an accusation of aiding in the conversions. In this context, the Christian communities of India had arranged protests. These examples are quite remarkable in terms of understanding how far the practices called "Love Jihad" have gone and the severity of the anti-Muslim atmosphere in the country. The last point to be underlined here is the term "force conversion" which Hindu far-right groups use as per wish. Such as the situation conceptualized under the "love jihad" is reversed regarding the Muslims or the Christians' conversion cases. In particular, when a Hindu man marries a Muslim woman, they did not count this act as "force conversion" or "love Jihad" instead of glorifying it simply as 'love' or "romance" (Thompson, Itaoui, & Bazian, 2019: 92).

### 1.13.3. Ghar Wapsi (Back to home) Campaign

*Ghar Wapsi* can be defined as the campaign that insisted non-Hindu Indians back to their origins, starting point, place of birth, or home. It is a practice that was brought to light by some Hindu nationalist groups to convert non-Hindus to Hindu religions or Hinduism (sometimes by force and pressure) which they called "back to home" or *Ghar Wapsi* (USCIRF Annual Report, 2018: 165). *Ghar Wapsi*, which became a widespread campaign at the end of 2014, is related to a primitive concept of Hindu identity in Hinduism that considered everyone to be "Hindu" in origin. In this regard, Hindu far-right groups claimed that Muslims of the Mughal Empire invaded India, enslaved its peoples, and forced a significant portion of the population to convert to Islam. With this claim, they tried to legitimize the *Ghar Wapsi* campaigns that ultra-Hindu nationalists are patronizing to return Indian Muslims (and members of religions other than Hinduism) to their "original religion" or "Hinduism" (Thompson, Itaoui, and Bazian, 2019: 18). Thus, *Ghar Wapsi* campaigns have alienated Islam and Christianity and escalate the "othering" of Muslims and Christians in Indian society.

## 1.14. Other Factors in the Rise of Islamophobia/Anti-Islamism and Hate Crime in India

IndiaSpend, a non-profit data journalism initiative, has shown that more than 100 people were killed and 691 were injured in a total of 281 hate crime incidents between 2009 and 2019, and 73 percent of the victims of these hate crimes were Muslims and other minority communities (Basu, 2019). The data reveals a sharp increase in the number of incidents after 2014, the year the current BJP government came to power. Fifty percent of the attacks were on the pretext of protecting cows, and the other half were about interfaith marriages and alleged conversions. In addition to the above-mentioned propaganda and practices such as "Love Jihad", "Anti-conversion laws" and "Ghar Wapsi (Back to home)", the following practices and steps were also effective in the escalation of Islamophobia/anti-Islamism in India: "Banning the Triple Talaq", "Holy Cow", "Cow Slaughter Laws and Enforcer Groups", "Change of the Autonomous Status of Jammu and Kashmir" and

“Babri Mosque Verdict”.

#### 1.14.1. The Triple Talaq Ban Judgement and Controversies on it

Triple talaq is a practice in which a Muslim man can divorce his wife by simply saying the word “talaq” three times which is common among the Muslim community of India, the majority of whom follow the Hanafi school of Islamic law. Like the “Love Jihad”, the triple talaq is said to be another anti-Muslim tool of the Hindu far-right groups (Thompson, Itaoui, & Bazian, 2019: 20). The Supreme Court of India outlawed triple talaq or instant divorce in August 2017, allegedly unconstitutional. Then, in July 2019, Prime Minister Modi’s government managed to accumulate sufficient support in the upper house of Parliament (Rajya Sabha) to pass the controversial Muslim Women (Protection of Marriage Rights) Bill (Krishnan, 2019).

The controversy around this practice has been highly politicized. Some liberal groups also find the legislation discriminatory. Kavita Krishnan of All India Progressive Women’s Association criticized the law by questioning that “Why should only Muslim men be punished for leaving their wives? Why aren’t Hindu men punished too? (Krishnan, 2019)”. Many Muslim politicians and some opposition parties also condemned the law. Critics of the law argued that there is concern that the three-year prison sentence for instant divorcees could be misused to target Muslims. Others reacted that “BJP is interfering in the internal affairs of Muslims and the Law is demonizing Muslim men” (Krishnan, 2019). Congress party official Ghulam Nabi Azad, on the other hand, argues that Hindu nationalists want to intervene in Islam and its practices in order to homogenize India (Krishnan, 2019). Flavia Agnes, a well-known Indian women’s rights lawyer, stated that the discussion was purely political (Agnes, 2017 and Khalid, 2017).

#### 1.14.2. Holy Cow, Cow Slaughter Laws, and Vigilante Groups debate

Another trigger point that escalated the hate crimes against Muslims with the Modi regime is the cattle trade or beef consumption issue. In this regard, the mob lynching of poor Muslims took place in the country that created some debate throughout the world. Besides, in several cases instead of law enforcement groups, Hindu far-right vigilantes showed the dare to punish the Muslims in the context of cow protection laws. Also, they have been fining and torturing poor Muslims by the accusation of consuming beef or carrying cattle on the streets. According to some critics, the aggressive actions of cattle politics mainly affected marginalized groups such as Dalits (the untouchables of the caste category) and Muslims.

The slaughtering of cows is prohibited as per article 48 of the Indian constitution. Regarding this article, in India, almost 21 of the 29 states have various forms of cow slaughtering prohibitions, with prison sentences between six months to 14 years. The Supreme Court has upheld the constitutionality of cow slaughtering laws since 2005. However, in 2017, some state governments urged modification of the law to increase the penalty for slaughtering cows. While cow slaughtering bans have a long history in India, “cow protection” lynching gangs are the recent phenomena that killed at least ten people in 2017. However, these gangs enforce the law illegally (often with



impunity) by publicly beating or killing people accused of slaughtering cows. They also harassed and intimidated individuals engaged in the dairy industry who had no direct affiliation with cow slaughtering (USCIRF Annual Report, 2018: 165). According to the report of Human Rights Watch (HRW), approximately 300 people were injured in more than 100 attacks organized by "cow protection" lynching gangs between May 2015 to December 2018 (Marlow, 2019). Very interestingly, while many innocent people were killed in the name of cow slaughtering or cattle smuggling, on the other side, India earned the fifth position in the World Beef Rating 2019 (Workman, 2021).

#### **1.14.3. Changing of Autonomous Status of Jammu and Kashmir**

The concern stemming from the CAA is considered only part of a longer history of controversy triggered by BJP policies regarding religion. Since India's independence from Britain in 1947, the Muslim-majority region of Jammu Kashmir has been an autonomous state capable of enacting its own laws. The Modi government, which promised to abolish the special status of Jammu Kashmir in its speeches during the election campaign, ended the privileged position of Jammu Kashmir with its decision in August 2019 (Taşçı, 2019). The unilateral decision to suspend special status caused protests and mass arrests in the region. The special status also included the citizenship law that did not allow foreigners to settle in the region and acquire property (Taşçı, 2019). So, BJP's policy on both Kashmir and citizenship issue can be part of a broader political project.

#### **1.14.4. Babri Mosque Verdict**

Another issue that caused the tension between Hindus and Muslims in India is the Indian Supreme Court decision in November 2019 regarding the Babri Mosque, which had been built during the Mughal Empire despite all the objections of the Muslims. The Supreme Court gave the verdict against Muslims and said that the land should be handed over to the Hindus to build the Ram Temple. However, the Court also decided to grant the Sunni Foundation Board five acres of land to form a new mosque.

Here, the point that should be focused on is the location of the Babri Mosque in Ayodhya, which has been a matter of debate between Hindus and Muslims for many years in previous (Oğuz, 2019). Such as Hindu nationalists made their first blitz against the Babri Mosque in 1949. However, that plan has been nourishing since the 1920s, when the RSS, the primary carrier of Hindu nationalism, was founded. In addition, the VHP, the other leading organization of Hindu nationalism, launched a major campaign in the 1980s for the demolition of the Babri Mosque. Hindu far-right groups illegally demolished the Babri Mosque that led to immense turmoil across the country in 1992. In this context, two thousand people lost their lives and acts of violence spread through the neighboring countries (Taşçı, 2019). The aforementioned cases indicate that the decisions regarding Babri Mosque taken today have a historical background and reveal that Islamophobia/anti-Islamism in India did not emerge overnight.

### **1.15. Hate Speech, Fake News and Media Against Muslims in India**

With the controversial Citizenship Amendment Act (CAA) and BJP's maneuvering of anti-Muslim rhetoric in the direction of political interests during the February 2020 local election process, incidents of ethnic violence in various forms have emerged in large regions of northern India. In



addition, fake news about Muslim aggression in the media also affected social relations. Minority groups like Muslims and Christians are segregated and marginalized as the national government under BJP has the ideology of Hindu Rashtra or Hindu Nation for India. The media plays the most important role in the anti-Muslim or anti-Islam discourses reproduced over and over by BJP. Many tools are used in this area, from cinema to social media. The anti-Muslim sentiment fostered by the media is a global phenomenon and India is an example of this. In the context of the most recent developments, it is seen in India as well as in many countries that the Covid-19 epidemic is used to feed anti-Muslim sentiment. According to the Islamophobia Report 2020 published by the Organization of Islamic Cooperation (OIC), in the context of ongoing Covid 19 situation, Muslim minorities were accused of spreading COVID-19 due to the disinformation campaign and “fake news” especially on social media and hate speech in some countries has increased significantly in the process (Thirteen OIC Observatory Report On Islamophobia, 2020:04). According to the report, at the time of the devastating repercussions of COVID-19 around the world, anti-Muslim groups in some countries are taking advantage of the crisis to fuel hatred towards Muslims. A large number of Muslims have been attacked on social media over allegations that Muslims continue to go to mosques to pray. In India, for example, when COVID-19 cases were reported at a Tablighi Community event, Islamophobic/anti-Islamic sentiments in the country were clearly revealed with the hashtags #CoronaJihad (Figure 1) and #BioJihad (Figure 2) trending on Twitter. Thus, fake stories accusing Muslims of spreading the virus in the country began to get viral on social media and Muslims were shown as a threat to the nation (Thirteen OIC Observatory Report On Islamophobia, 2020:04).

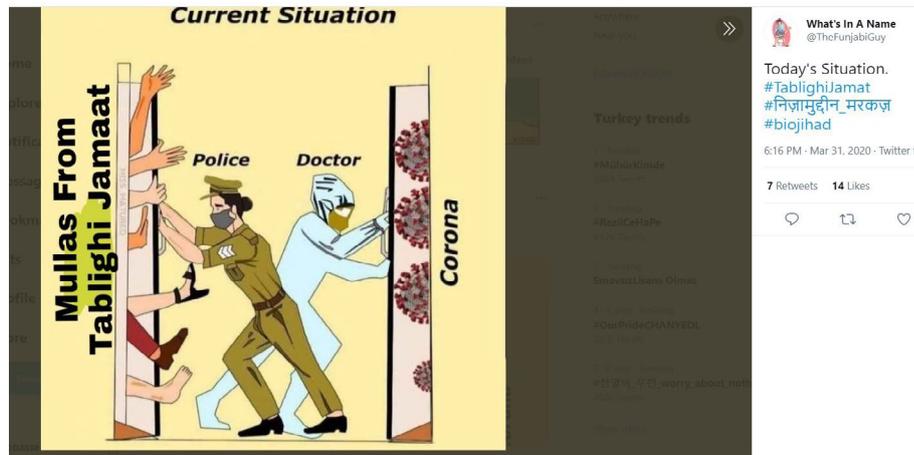


Figure 1: A cartoon blaming Tablighi Jamaat for the spread of COVID 19. (Source: Twitter)

Mahendra singh @Mahendr2021 · Apr 1, 2020

Time to wake up  
 #CoronaJihad #तबलीगी\_जमात  
 #Islamophobicindianmedia  
 #biojihad



**Figure 2:** Various forms of so-called Muslim Jihadists are illustrated in a caricature, while Hindu secularists are blamed for ignoring them, (Source: twitter).

## 2. SECTION II: ANALYSIS OF CITIZENSHIP AMENDMENT ACT (CAA) IN INDIA IN THE CONTEXT OF INTERNATIONAL LAW

### 2.1. CAA and International Law

Citizenship is described as “political and legal bond between a person and a state” (Güngör, 2018, p. 1). This definition, which can be found in all Citizenship Law textbooks, indeed includes the effort to legitimize a process that is full of exclusion practices by positive law. In this context, citizenship laws constitute the legal and official framework of these practices while citizenship is “defining a new and politically constructed identity and determining who is inside and who is outside as a member of a national community” (Gülaıp, 2015, p. 13). The first chapter of this report discussed the political and ideological dimension of the citizenship issue in India. Here, the subject will be covered in the legal context.

#### 2.1.1. Citizenship Law in India

There are two types for acquisition of citizenship in citizenship law. The first is by birth and the second is after birth. Citizenship by birth is based on the “birth” and thus, it is possible to grant citizenship on the basis of descent (*jus sanguinis*) or the place of birth (*jus soli*) (Aybay, Özbek, & Perçin, 2019, p. 93). Some states, however, could accept both of them and carry out a mixed basis. Citizenship after birth, on the other hand, is the citizenship acquired by the person after birth or for a reason other than birth (Vahit, 2016, p. 33).

The most basic regulation regarding citizenship in India was made in the second part of the 1950 Constitution. Citizenship has been important for every state as one of the most basic nation-building tools of nation-states. However, the fact that India includes the citizenship issue, which concerns civil law on one side and international law on the other, in the second part of its Constitution reveals that the citizenship issue is more sensitive for India. It is possible to say that the colonial past, the formation of new states and ethnic and religious differences made the citizenship issue more fragile for India and led to its regulation in the Constitution itself. In addition, the Indian constitution insists on the principle and condition of single citizenship, and tries to reaffirm national unity and integrity in this way. Since the state has a federal structure, it was considered beneficial to state this principle in the constitution in order to avoid any hesitation (Abadan, 1951, p. 233).

Article 5 of the Constitution is as follows: “every person who has his domicile in the territory of India and—

- (a) who was born in the territory of India; or
- (b) either of whose parents was born in the territory of India; or
- (c) who has been ordinarily resident in the territory of India for not less than five years immediately preceding such commencement,

shall be a citizen of India.” (The Constitution of India, 1950, Art. 5)



Clause “a” of article 5 refers to the basis of territory (jus soli), while clause “b” refers to jus sanguinis (by right of blood). Accordingly, it is seen that the basic principle in Indian citizenship law is “jus soli”. However, other criteria show that this is not only based on jus soli, but it is possible to acquire citizenship through descent and residence. However, the latter is in the complementary position (Ashesh & Thiruvengadam, 2017, p. 6).

The Indian Citizenship Law was enacted in 1955. The Nationality Act mainly regulates the acquisition and loss of citizenship and overseas citizenship. As in many countries, there have been changes in the citizenship law in India over time. It is seen that there has been a transition from jus soli, which is the basic principle in obtaining Indian citizenship, to jus sanguinis, with many changes made in the Indian Citizenship Law over time (Ashesh & Thiruvengadam, 2017, p. 8). The most recent example of this is the 2019 CAA.

The Citizenship Act of 1955 established five ways to acquire citizenship; by birth, by descent, by registration, by naturalisation, and by incorporation of territory.

## **2.1.2. Evaluation of CAA and NRC in terms of International Law**

### **2.1.2.1. International Law and Citizenship**

Citizenship law is essentially the subject of domestic law regulations. However, the regulations in the field of citizenship are not completely free. Namely, citizenship, which is essentially the subject of domestic jurisdiction, is not an area completely independent of international law (Aybay et al., 2019, p. 13–14). At this point, first of all, to look at the international sources of citizenship law is significant in terms of revealing the limitations of the states in this field.

The sources of international law are basically divided into two as primary sources and auxiliary sources. Fundamental sources are those that create binding rules. Subsidiary sources are resources that help us understand and interpret binding rules, but give rise to non-binding rules (Acer & Kaya, 2019, p. 52). According to paragraph 1 of Article 38 of the Statute of the International Court of Justice, “international conventions, international custom, and general principles of law” are the main binding sources of international law (Shaw, 2018, p. 50). Subsidiary sources cover judicial decisions and doctrine.

While evaluating the citizenship law of any country in terms of international law, the examination is made on the basis of the general framework above. Provisions regarding citizenship in international law can be found in international conventions, customary international law, court decisions and international human rights regime (Batir, 2018, p. 22).

International conventions on citizenship law are the main international sources in this field. However, international agreements in principle only create rights and obligations for their parties, so a non-signatory cannot be bound by any international treaty. At this point, it comes to mind that a state that is not a party to any international treaty regarding citizenship law has the discretion to regulate its citizenship law as it wishes within its own domestic law. However, under certain conditions in international law, there are cases where some agreements have an impact on third parties who are not parties. However, there is no such agreement in terms of citizenship law. In addition, the jus cogens of international law bind all states and do not allow exceptions. Moreover, an agreement that conflicts with an existing jus cogens is also considered as void. It is generally



accepted that laws prohibiting slavery, genocide, piracy or illegal use of force are jus cogens (Law, 2015, p. 351). There is no jus cogens in the field of citizenship law. In addition, considering that international law is quite limited in terms of sanctions, unlike domestic law, the arbitrariness of states while creating their citizenship laws will never be completely prevented. The most recent example of this is the CAA and NRC, as discussed in this article.

#### 2.1.2.2. Analysis of CAA and NRC in the Context of International Law

The international dimension of citizenship is related to the directive principles of citizenship (Güngör, 2018, p. 21). The directive principles of citizenship law were recorded in the recommendation of the 1895 Cambridge meeting of the Institute of the Law of Nations. These are three (Tekinalp, 2011, pp. 1–4, 483–497):

1. Everyone should have a nationality
2. Everyone should have only one nationality
3. The person should have the freedom to choose his nationality.

These directive principles of citizenship law aimed to prevent states from acting completely freely when making regulations in this field. However, these principles do not have a fully binding provision on the states and are only advisory (Vahit, 2016, pp. 26–27). These basic principles, adopted in 1895, have been repeated in international aiming to put them into practice and making it possible for more states to be binding. In addition, many states act with the motive of realizing these principles in their citizenship laws.

However, these principles have become questionable with global developments. Gülin Güngör calls the directive principles as “classical principles” since “they are expressed in the European Citizenship Convention, which is the last general, open to accession and multilateral international agreement on citizenship law by re-evaluating.” This justified interpretation is once again revealed by the absence of the principle that everyone should have a single citizenship in the European Convention on Citizenship. In the context of India, however, the principle that everyone should have a nationality clearly contradicts the NRC and CAA duo.

According to the 1930 Hague Convention, everyone should have a nationality. Moreover, the Universal Declaration of Human Rights of 1948 recognizes that everyone has the right to a nationality as a human being: “Everyone has the right to a nationality.” (Article 15/1) (Aybay, 1993, p. 101). Similarly, the European Convention on Nationality once again expressed the sensitivity on the issue: “a. Everyone has the right to a nationality, b. Statelessness shall be avoided, c. No one shall be arbitrarily deprived of his or her nationality” (Article 4). The main goal here is to prevent people from becoming stateless. The state of statelessness creates many problems both for the person himself and the state in which he lives. A person with a stateless status will not be liable to the state of the country in which he resides or to any other state, although he may benefit from the opportunities provided by the society and the state in the country in which he resides. In addition, the determination of the capacity of the stateless person in terms of determining whether the legal actions to be taken are valid or not will create a problem. The deportation of a stateless person is also problematic as no state is required to accept a stateless person. While a person with a stateless status creates such problems for the country in which he resides, he also encounters

many difficulties due to this status. A stateless person cannot benefit from the diplomatic protection of any state and encounters more difficulties than other foreigners in many matters such as reside, work, etc. The effort to prevent all these difficulties and problems has formed one of the most basic principles of citizenship law. The most basic source based on this situation is the 1961 UN Convention on the Reduction of Statelessness. India is not a party to this convention. However, the convention is a basic text that should be consulted in the evaluation of the CAA and NRC, as it is the most fundamental international source in efforts to reduce statelessness that may arise at birth or afterwards and to strengthen the legal status of stateless persons. The CAA, NRC, and NPR are separate parts of a whole and regulations complementing each other. Under the NRC, a citizen has to prove that their ancestors have lived in India since 1951. In this context, it is possible that approximately 2 million people become stateless due to the inability to complete the required documents<sup>5</sup> (Çelik, 2019). This regulation indicates that people who have had many rights, capacities and obligations under the status of Indian citizens for years lose their citizenship afterwards. However, with the convention, the forms of the loss of citizenship, which will result in statelessness, are prohibited (Özbek Hadimoğlu & Teksoy, 2013, p. 213). Article 8 of the UN Convention on the Reduction of Statelessness states that “a contracting state shall not deprive a person of its nationality if such deprivation would render him stateless.” This article clearly referring to people who will now become stateless because of the NRC system in India reveals that India's practice is contrary to certain principles accepted by the international community. However, the Convention is more striking with its Article 9, which addresses a more sensitive point discussed in the context of India: “a Contracting State may not deprive any person or group of persons of their nationality on racial, ethnic, religious or political grounds.” It is possible to evaluate the CAA and NRC in India together in this scope. There are people who will become stateless because of the NRC as described above, but those who belong to the six religious groups that fall under the CAA will be spared by being naturalized again. The people who will stay out of these and enter the stateless status are Muslims and Hindus at the bottom of the caste system, although it is not explicitly stated. That is, making certain groups stateless by India for ethnic, religious and political reasons is a clear violation of Article 9 of the Convention.

Another source that must be looked at within the framework of examining the CAA and NRC in the context of international law is the 1965 International Convention on the Elimination of All Forms of Racial Discrimination. Article 5 of the contract is as follows:

“In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

[...]

(d) Other civil rights, in particular:

<sup>5</sup> However, appeals are open to the high court and the Supreme Court, as well as to specially created courts called the Foreign Tribunal (“Assam NRC: What Next for 1.9 million ‘Stateless’ Indians?”, 2018).



[...]

(iii) The right to nationality.”

India is one of the earliest signatories of the Convention (“UN Treaty Database: Ratification Status for India.”). The Convention therefore creates obligations for India. CAA discriminates against Muslims by bringing into the agenda the granting of citizenship to immigrants from Pakistan, Bangladesh and Afghanistan, excluding Muslims, within the framework of religious criteria. States are free to determine who will be granted citizenship, as required by national jurisdiction. However, as the discussions above show, states are not completely left on their own in this matter. The Convention on Racial Discrimination is one of these limitations. For these reasons, both the CAA, which regulates the granting of citizenship to other irregular immigrants by excluding Muslims, and the NRC, which paves the way for the statelessness of Muslims and Hindus in the subgroup of the caste system, violate the Article 5 of the Convention.

While examining citizenship within the scope of discrimination, the European Convention on Nationality is another source of international law that should be considered as the most contemporary text on this subject. One of the most important motives behind the Convention is to “avoid discrimination in matters relating to nationality” (European Convention on Nationality, 1997). Within the scope of the prohibition of discrimination, states “shall not contain distinctions or include any practice which amount to discrimination on the grounds of sex, religion, race, colour or national or ethnic origin” (Article 5/1). Since India is not a party to the European Convention on Nationality and has no provisions that have impact on third parties, it is not obligated to implement the Convention. However, this does not mean ignorance the violation by some states of certain principles on citizenship that the international community is increasingly accepting.

Another source of international law that will be taken as reference in the examination of citizenship, apart from contracts, is customary (conventional) law. Like conventions, customary international law also limits the autonomy of states regarding citizenship to some extent (Batir, 2018, p. 23). Customary law, in principle, has a binding effect on states. However, there is an exception to this situation. It is accepted that the states that objected to the formation of a rule from the very beginning, that is, the “persistent objector” states, will not be bound by that rule (Acer & Kaya, 2019, pp. 54–55). The important customary law principles in the field of citizenship are as follows; avoiding and reducing statelessness, the prohibition of arbitrary deprivation of citizenship and the prohibition of discrimination (Batir, 2018, p. 23). As discussed above in the context of the Conventions, the CAA and NRC appear to be in clear conflict with these common law rules.

Another binding source of international law is the General Principles of Law. Both the general principles of international law and the other sources of international law, judicial decisions and doctrine, have not been able to create many resources on this field.

Discussions above have shown how states will be bound by international treaties, conventions and customary law rules in international law. However, the other dimension of the issue is the regulations made on how the states will be bound by international law in their domestic law regulations. Clause “c” of Article 51 of the Constitution of India states that the state should endeavor to promote respect for the obligations of international law and conventions (The Constitution of India, 1950). However, the other dimension of the issue is the regulations made in the domestic law of states on how they will be bound by international law. Clause “c” of Article 51 of the



Constitution of India states that the state should “foster respect for international law and treaty obligations” (The Constitution of India, 1950). Considering the relevant article, it is seen that the CAA and NRC violate the basic principles of international law and the conventions to which India is a party, and the Indian state acts in the opposite direction, far from complying with them. Thus, India itself violates the 51/c provision of the Constitution, as well.

## Conclusion

This research has demonstrated that CAA and related legal regulations could be addressed from different perspectives. In the study, the CAA examined Islamophobia/Anti-Islamism in the context of Hindu nationalism and hate speech. Then, CAA and NRC were evaluated in the context of international law and citizenship law.

The first section showed that the CAA is a regulation that cannot be dealt with as a single issue but is linked to other legal legislations and practices performed by radical Hindu nationalist groups under the state’s support. Moreover, CAA is not a simple amendment to the Citizenship Law of 1955. It is the reflection of populism, Hindu nationalism, and Islamophobia/anti-Islamism that have been on the rise in India along with the Modi regime. The discussion in the first part also revealed the historical background of these phenomena in India and showed that these practices, mainly targeted Muslims that have been experienced in the country for the last few years and a part of the political developments manifested in many countries of the world with the effect of globalization.

The discussion on the analysis of citizenship regulations in India in the context of international law has shown that states have reserved authority to set the boundaries of nationality law; however, it has boundaries drawn by sources of international law. One of the “classic principles” of citizenship law, the principle that everyone should have a nationality, appears to have been violated by India. With CAA and NRC, the Indian ruling party threatening to leave millions of people stateless. India is not a partner to most of the international conventions on citizenship. Therefore, India is not bound to those legislations. Thus, regarding the CAA and NRC issue, there has been no conflict exist for India relating to those legislations. However, since these conventions reflect the general trend in the international community, it is seen that India contradicts some principles adopted by the international community. In the context of international conventions, the relevant article of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination, of which India is a signatory, is violated by the aforementioned legal regulations. It is seen that the principles of common law, which is another source used when examining in the context of international law, regarding citizenship are in contradiction with the regulations made in India.

Based on the discussions in the report, it is possible to answer the question of what awaits India in the coming days. As Prime Minister Modi completes the first year of the five-year term, religion and nationalism-related initiatives will continue to cause wider problems in the future for India which is known as one of the most important secular states in the world. The implementation of NRC could also cause a major humanitarian crisis in terms of human rights in India that is better understood from the pilot study in the Assam region. Besides, according to experts, this situation may led to a new tension between India and neighboring countries. There are concerns that anti-Hindu protests might be started as a side effect of the events in Bangladesh and Pakistan. In



addition, punishments against the protesters are continuing although the actions of the protesters have been stopped due to COVID 19. The hate speech and lynching initiated by Hindu nationalists against Muslims have not stopped yet. Moreover, hashtags such as #Coronajihad and #BioJihad were added with hashtags such as #lovejihad and #landjihad used against Muslims on social media. Based on these discussions, it is possible to say that with the re-election of the India's far-right nationalist party BJP, "anti-Islamism/Islamophobia" in the country has been systematically grounded through its legal system and state structures. However, as stated in the report, anti-Islamism/Islamophobia in India is not a new phenomenon and has a historical and ideological background. Also, these developments in India have demonstrated that anti-Islamism/Islamophobia has become a global dimension rather than just a western agenda.



## REFERENCES

3. Protocol relating to a Certain Case of Statelessness. United Nations Treaty Collection. Retrieved from [https://treaties.un.org/Pages/LONViewDetails.aspx?src=LON&id=517&chapter=30&clang=\\_en](https://treaties.un.org/Pages/LONViewDetails.aspx?src=LON&id=517&chapter=30&clang=_en).
- Aatish, T. (2020, May n.d.). India Is No Longer India: Exile in the time of Modi. The Atlantic. 20 Mart 2021 tarihinde [https://www.theatlantic.com/magazine/archive/2020/05/exile-in-the-age-of-modi/609073/?fbclid=IwAR3fpnnJp-veVML0e\\_XYSZK6Q8ZKWFtO6rhXxDmA8RB2a1DsyonKWZtcG5Fw](https://www.theatlantic.com/magazine/archive/2020/05/exile-in-the-age-of-modi/609073/?fbclid=IwAR3fpnnJp-veVML0e_XYSZK6Q8ZKWFtO6rhXxDmA8RB2a1DsyonKWZtcG5Fw).
- Abadan, Y. (1951). Yeni Hint Anayasası. Ankara Üniversitesi Hukuk Fakültesi Dergisi, 8(1). [https://doi.org/10.1501/Huk-fak\\_0000000455](https://doi.org/10.1501/Huk-fak_0000000455) [Abadan, Y. (1951). New Indian Constitution, Journal of Ankara University Law Faculty. 8(1). [https://doi.org/10.1501/Hukfak\\_0000000455](https://doi.org/10.1501/Hukfak_0000000455)]
- Acer, Y., & Kaya, İ. (2019). Uluslararası Hukuk Temel Ders Kitabı İngilizce Özeti. Ankara: Seçkin Yayıncılık. [Acer, Y., & Kaya, İ. (2019). International Law Basic Textbook English Summary. Ankara: Seçkin Yayıncılık.]
- Adil, A. (2019, December 25). India's New Citizenship Law 'to Make Muslims Stateless'. Retrieved from <https://www.aa.com.tr/en/asia-pacific/indias-new-citizenship-law-to-make-muslims-stateless-/1683783>.
- Agnes, F. (2017, September 4). The abuse of India's triple talaq verdict. Al Jazeera. Retrieved from <https://www.aljazeera.com/opinions/2017/9/4/the-abuse-of-indias-triple-talaq-verdict>.
- Arora, S. (2020, January 26). India now has 28 states and 8 Uts. Adda247. Retrieved from <https://currentaffairs.adda247.com/india-now-has-28-states-and-8-uts/>.
- Arpitha, K. (2020, April 2). Marching Against India's Discriminatory Citizenship Amendment Act. OpenGlobalRights. Retrieved from <https://www.openglobalrights.org/marching-against-indias-discriminatory-citizenship-amendment-act/>.
- Ashesh, A. ve Thiruvengadam, A. (2017). Report on Citizenship Law: India. European University Institute. Retrieved from [https://cadmus.eui.eu/bitstream/handle/1814/47124/GLOBALCIT\\_CR\\_2017\\_12.pdf?sequence=1](https://cadmus.eui.eu/bitstream/handle/1814/47124/GLOBALCIT_CR_2017_12.pdf?sequence=1).
- Assam NRC: What Next for 1.9 million "Stateless" Indians? (2018, August 31). BBC. Retrieved from <https://www.bbc.com/news/world-asia-india-49520593>.
- Aybay, R. (1993). Çifte Uyrukluk Sorunu. İnsan Hakları Yıllığı, 15(3). Retrieved from <http://docplayer.biz.tr/36440190-Cifte-uyrukluk-sorunu.html>.
- Aybay, R., Özbek, N., & Perçin, G. E. (2019). Vatandaşlık Hukuku. Ankara: Siyasal Kitabevi. [Aybay, R., Özbek, N., & Perçin, G. E. (2019). Citizenship Law. Ankara: Siyasal Press.]
- Ayyub, R. (2021, March 12). India's degraded and downgraded democracy. The Washington Post. Retrieved from <https://www.washingtonpost.com/opinions/2021/03/11/india-democracy-freedom-house-narendra-modi-rana-ayyub/>.
- Basu, S. (2019, May 10). Manufacturing Islamophobia on WhatsApp in India: What can a study of pro BJP WhatsApp groups tell us about the party's culpability in rising Islamophobia? The Diplomat. Retrieved from <https://thediplomat.com/2019/05/manufacturing-islamophobia-on-whatsapp-in-india/>.
- Batır, K. (2018). Uluslararası Hukukta Vatandaşlık. Ankara: Adalet Yayınevi. [Batır, K. (2018). Citizenship in International Law. Ankara: Adalet Press.]
- Beech, H., Nang, S. ve Simons, M. (2020, September 8). 'Kill All You See': In a First, Myanmar Soldiers Tell of Rohingya Slaughter. The New York Times. Retrieved from <https://www.nytimes.com/2020/09/08/world/asia/myanmar-rohingya-genocide.html>.
- Bisht, A. (2020, April 22). Indian police accused of targeting Muslims over anti-CAA protests. AlJazeera. Retrieved from <https://www.aljazeera.com/news/2020/4/22/indian-police-accused-of-targeting-muslims-over-anti-CAA-protests>.
- Changoiwala, P. (2020, February 21). India's Muslims Fear Deportation Under Citizenship Law. Foreign Policy. Retrieved from <https://foreignpolicy.com/2020/02/21/india-muslims-deported-terrified-citizenship-amendment-act-CAA/>.
- Citizenship Amendment Bill: India's New "Anti-Muslim" Law Explained. (2019, December 11). BBC. Retrieved from <https://www.bbc.com/news/world-asia-india-50670393>.
- Çelik, H. (2019, December 16). Hindistan'da Vatandaşlık Yasası'nda Değişiklik, Stratejik Düşünce Enstitüsü. Stratejik Düşünce Enstitüsü. Retrieved from <https://www.sde.org.tr/hatice-celik/genel/hindistanda-vatandaslik-yasasin-da-degisiklik-kose-yazisi-14370>.

- European Convention on Nationality. Pub. L. No. 6.XI.1997, Council of Europe (1997). Retrieved from <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168007f2c8>.
- Genocide Watch Report. (2020). Countries of Special Concern January-July 2020. Retrieved from [https://d0db-b2cb-698c-4513-aa47-eba3a335e06f.filesusr.com/ugd/137a5c\\_932a5737e22d411691c44ac779940765.pdf](https://d0db-b2cb-698c-4513-aa47-eba3a335e06f.filesusr.com/ugd/137a5c_932a5737e22d411691c44ac779940765.pdf).
- Gettleman, J., Raj, S., ve Yasir, S. (2020, February 25). New Delhi Streets Turn Into Battleground, Hindus vs. Muslims. New York Times. Retrieved from <https://www.nytimes.com/2020/02/25/world/asia/new-delhi-hindu-muslim-violence.html>.
- Gupta, P. ve Maheshwari, S. (2019, December 30). Citizenship Amendment Act: A Free Pass to a select few? Bar and Beach. Retrieved from <https://www.barandbench.com/columns/citizenship-amendment-act-a-free-pass-to-a-select-few>.
- Güralp, H. (2015). Milliyete Karşı Vatandaşlık. İçinde H. Güralp (Ed.), Vatandaşlık ve Etnik Çatışma: Ulus-Devletin Sorgulanması. İstanbul: Metis. [Güralp, H. (2015). Nationality versus Citizenship. İçinde H. Güralp (Ed.), Citizenship and Ethnic Conflict: Examination of Nation State. İstanbul: Metis.]
- Güngör, G. (2018). Tâbiyet Hukuku Gerçek Kişiler-Tüzel Kişiler-Şeyler (C. 6). Ankara: Yetkin Yayınları. [Güngör, G. (2018). Nationality Law Natural Persons-Legal Persons-Things. (V. 6). Ankara: Yetkin Publications]
- Human Rights Watch. (2020). India: Protests, Attacks Over New Citizenship Law. Retrieved from <https://www.hrw.org/news/2020/04/09/india-protests-attacks-over-new-citizenship-law>.
- Jones, K. (2019, December 19). Hindistan Hükümetinin Hindu Üstünlükçüsü Gündemine Karşı Kitlesele Protestolar. Retrieved from <https://www.wsws.org/tr/articles/2019/12/19/icaa-d19.html>.
- Kamruzzaman, M. (2021, May 24). Rohingya camps in Bangladesh report single-day high for new COVID cases. Anadolu Agency. Retrieved from <https://www.aa.com.tr/en/asia-pacific/rohingya-camps-in-bangladesh-report-single-day-high-for-new-covid-cases/2252050#:~:text=Bangladesh%20is%20home%20to%20more,11%20in%20the%20past%20day>.
- Kalin, I. (2011). Islamophobia and the Limits of Multiculturalism, Islamophobia: The Challenge of Pluralism in the 21st Century içinde (8). Esposito, J. L. Ve Kalin, I., New York: Oxford University Press.
- Kandemir, Z. E. ve Akdemir, F. (2021, March 21). Irkçılığın Yansıma Alanı Olarak Müslüman Kadın. Perspektif. Retrieved from <https://perspektif.eu/2021/03/21/irkciligin-yansima-alani-olarak-musulman-kadin/>.
- Khaitan, S. (2019, August 31). NRC Excludes 1.9 Million; Govt Had Said There Were 5 Million Illegal Immigrants In Assam. IndiaSpend. Retrieved from <https://www.indiaspend.com/nrc-excludes-1-9-million-govt-had-said-there-were-5-million-illegal-immigrants-in-assam/>.
- Khalid, S. (2017, August 22). What is 'triple talaq' or instant divorce?. Al Jazeera. Retrieved from <https://www.aljazeera.com/features/2017/8/22/what-is-triple-talaq-or-instant-divorce>.
- Khan, A. ve Chakrabarty, I. (2021, February 24). Why the 2020 violence in Delhi was a pogrom. AlJazeera. Retrieved from <https://www.aljazeera.com/opinions/2021/2/24/why-the-2020-violence-in-delhi-was-a-pogrom>.
- Koduveri, A. (2020, April 2). Marching against India's discriminatory Citizenship Amendment Act. OpenGlobalRights. Retrieved from <https://www.openglobalrights.org/marching-against-indias-discriminatory-citizenship-amendment-act/>.
- Krishnan, A. M. (2019, July 31). Triple talaq: Instant divorce ban draws mixed reactions in India. DW. Retrieved from <https://www.dw.com/en/triple-talaq-instant-divorce-ban-draws-mixed-reactions-in-india/a-49830803>.
- Kumar, A. P. (2019, December 15). Citizenship (Amendment) Act: An unconstitutional Act. Deccan Herald. Retrieved from <https://www.deccanherald.com/specials/sunday-spotlight/citizenship-amendment-act-an-unconstitutional-act-785638.html>.
- Kumar, N. N. (2017, June 30). Dissecting Hindutva: A Conversation with Jyotirmaya Sharma. Toynbee Prize Foundation. Retrieved from <https://toynbeeprize.org/posts/jyotirmaya-sharma/>.
- Law, J. (2015). A Dictionary of Law (8. edition). Oxford: Oxford University Press.
- Malji, A. (2020). Gendered Islamophobia: The Overlapping Parallels of Hindu and Buddhist Nationalism in South Asia (APSA Ön Baskı Çalışma Kağıdı). American Political Science Association Preprints. Retrieved from <https://preprints.apsanet.org/engage/apsa/article-details/5f515fa6c7126000129578d5>.
- Marlow, I. (2019, February 20). Cow vigilantes killed at least 44 people in three years, report finds. The Print. Retrieved from <https://theprint.in/india/governance/cow-vigilantes-killed-at-least-44-people-in-three-years-report-finds/195450/>.
- Menon, B. (2020, February 26). Photos: Delhi riots, a day of shame. Gulf News. Retrieved from <https://gulfnews.com/photos/news/photos-delhi-riots-a-day-of-shame-1.1582720946625?slide=1>.

- Mohanty, P. (2019, December 24). CAA & NRC II: Here are the Myths and Facts about all-India National Register of Citizens. Business Today. Retrieved from <https://www.businesstoday.in/current/economy-politics/caa-nrc-national-register-of-citizens-myths-and-facts-citizenship-amendment-act-modi-amit-shah-govt/story/392474.html>.
- New Delhi communal riot affects India's global image. (2020, March 02). A news. Retrieved from <https://www.aneews.com/tr/world/2020/03/02/new-delhi-communal-riot-affects-indias-global-image>.
- Niazi, S. (2020, April10). Watchdog calls India's citizenship law 'discriminatory'. Anadolu Agency. Retrieved from <https://www.aa.com.tr/en/asia-pacific/watchdog-calls-indias-citizenship-law-discriminatory/1800004>.
- Oğuz, G. T. (2019, November 09). Babri Camisi anlaşmazlığında Hindular lehine karar. Anadolu Ajansı (AA). Retrieved from <https://www.aa.com.tr/tr/dunya/babri-camisi-anlasmazliginda-hindular-lehine-karar/1639998>.
- Owen, D. (2017). Citizenship and Human Rights. İçinde A. Shachar, R. Bauböck, I. Bloemraad, & M. Vink (Ed.), The Oxford Handbook of Citizenship. <https://doi.org/10.1093/oxfordhb/9780198805854.013.11>
- Özbek Hadimoğlu, N., & Teksoy, B. (2013). Vatansızlığın Azaltılmasına Dair Bm Sözleşmesi (1961) Karşısında Türk Vatandaşlığı Kanunu. TBB Dergisi, (107), 221–244. Retrieved from <http://tbbdergisi.barobirlik.org.tr/m2013-107-1294>.
- Parry, A. (2020, February 27). 5 Soru: Hindistan'da Vatandaşlık Yasası Değişiklik Tasarısı. SETA. Retrieved from <https://www.setav.org/5-soru-hindistanda-vatandaslik-yasasi-degisiklik-tasarisi/>.
- Pirbhai, M. R. (2020, March 9). Hindutva and the Meaning of Modernity. Berkley Center. Retrieved from <https://berkeley-center.georgetown.edu/responses/hindutva-and-the-meaning-of-modernity>.
- Rao, M. (2011). Love Jihad and Demographic Fears. Indian Journal of Gender Studies, 18(3), 425. <https://doi.org/10.1177/097152151101800307>
- Repucci, S. Ve Slipowitz, A. (2021). Democracy under Siege. Freedom House. Retrieved from <https://freedomhouse.org/report/freedom-world/2021/democracy-under-siege>.
- Sanyal, A. (2018, February 07). Hate Speech From BJP's Vinay Katiyar: Why Do Muslims Live In India?. NDTV. Retrieved from <https://www.ndtv.com/india-news/hate-speech-from-bjps-vinay-katiyar-why-do-muslims-live-in-india-1809696>.
- Sarkar, T. (2020, March 9). Citizenship Protests in India: Possibilities and Challenges of Opposition to Hindu Nationalism. Berkley Center. Retrieved from <https://berkeleycenter.georgetown.edu/responses/citizenship-protests-in-india-possibilities-and-challenges-of-opposition-to-hindu-nationalism>.
- Schwartzberg, J. E., Champakalakshmi, R., Spear, T. G. P., Calkins, P. B., Wolpert, S. A., Thapar, R., Subrahmanyam, S., Dikshit, K. R., ... Alam, M. (2021). India:Land. Encyclopedia Britannica. Retrieved from <https://www.britannica.com/place/India>.
- Sengupta, P. (2009). Linguistic Diversity and Economic Disparity: An Issue for Multiculturalism in India. The International Journal of Diversity in Organisations, Communities and Nations. 9 (1).1.
- Sharma, A. (2020). On the Difference Between Hinduism and Hindutva. Association For Asian Studies. Retrieved from <https://www.asianstudies.org/publications/ea/archives/on-the-difference-between-hinduism-and-hindutva/>.
- Sharma, G. (2020, April 8). Covid-19 is Changing the Way People Protest Around the World. TRT World. Retrieved from <https://www.trtworld.com/magazine/covid-19-is-changing-the-way-people-protest-around-the-world-35229>.
- Shaw, M. N. (2018). Uluslararası Hukuk. Retrieved from <http://www.tuba.gov.tr/files/yayinlar/ders-kitaplari/Uluslararası-Hukuk.pdf>.
- Singh, H. (2020, May 08). The Citizenship Amendment Act (CAA): Meaning, Key Features, and Objectives. Jagran Josh. Retrieved from <https://www.jagranjosh.com/general-knowledge/citizenship-amendment-bill-2019-1575981192-1>.
- Singh, J. B. (2020, March 25). NPR exercise, Census 2021 updation postponed indefinitely due to coronavirus, says MHA - India News. India Today. Retrieved from <https://www.indiatoday.in/india/story/npr-exercise-census-2021-updation-postponed-coronavirus-mha-1659604-2020-03-25>.
- Sinha, R. (2019, December 9). Explainer: The Citizenship (Amendment) Bill, 2019. PRS India. Retrieved from <https://www.prsindia.org/theprsblog/explainer-citizenship-amendment-bill-2019>.
- Sivapragasam, K. (2021, January 21). The erasure of Tamil Eelam and the silence that follows. The Silhoutte. Retrieved from <https://www.thesil.ca/the-erasure-of-tamil-eelam-and-the-silence-that-follows>.
- Taşçı, M. N. (2019, August 08). Hindistan Cammu Keşmir'in özel statüsünü ortadan kaldırdı. Anadolu Ajansı (AA). Retrieved from <https://www.aa.com.tr/tr/dunya/hindistan-cammu-kesmirin-ozel-statusunu-ortadan-kaldirdi/1550255>.
- Taşçı, M. N. (2019, December 06). Güney Asya'nın Ayasofyası: Babri Camisi. Anadolu Ajansı (AA). Retrieved from <https://>

- [www.aa.com.tr/tr/dunya/guney-asyanin-ayasofyasi-babri-camisi/1665715](http://www.aa.com.tr/tr/dunya/guney-asyanin-ayasofyasi-babri-camisi/1665715).
- Tekinalp, G. (2011). Tabiiyetin Genel İlkeleri ve 1964 Tarihli Türk Vatandaşlık Kanunu. İstanbul Üniversitesi Hukuk Fakültesi Mecmuası, 38(1-4), 483-497. [Tekinalp, G. (2011). General Principles of Nationality and 1964 Turkish Citizenship Law. Istanbul University Faculty of Law Journal, 38(1-4), 483-497.]
- The 47th Session of the Council of Foreign Ministers. (2020, Kasım 27-28). Thirteen OIC Observatory Report On Islamophobia. Retrieved from [https://www.oic-oci.org/upload/islamophobia/2021/The\\_13th\\_Islamophobia\\_Annual\\_Report\\_English.pdf](https://www.oic-oci.org/upload/islamophobia/2021/The_13th_Islamophobia_Annual_Report_English.pdf).
- The Constitution of India. (1950). Retrieved from [https://legislative.gov.in/sites/default/files/COI\\_1.pdf](https://legislative.gov.in/sites/default/files/COI_1.pdf).
- The U.S. Commission On International Religious Freedom (USCIRF). (2018). Annual Report 2018. 26 Mart 2021 tarihinde [https://www.uscifr.gov/sites/default/files/USCIRFAnnual2018\\_tagged508.pdf](https://www.uscifr.gov/sites/default/files/USCIRFAnnual2018_tagged508.pdf)
- Thompson, P., Itaoui, R., ve Bazian, H. (2019). Islamophobia In India: Stoking Bigotry Repot. Islamophobia Studies Center. Retrieved from [https://www.academia.edu/38912882/ISLAMOPHOBIA\\_IN\\_INDIA\\_STOKING\\_BIGOTRY](https://www.academia.edu/38912882/ISLAMOPHOBIA_IN_INDIA_STOKING_BIGOTRY).
- Those indulging in arson 'can be identified by their clothes': Narendra Modi on anti-CAA protest. (2019, December 15). The Economic Times. Retrieved from [https://economictimes.indiatimes.com/news/politics-and-nation/those-indulging-in-arson-can-be-identified-by-their-clothes-narendra-modi-on-anti-kaa-protest/articles-how/72687256.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](https://economictimes.indiatimes.com/news/politics-and-nation/those-indulging-in-arson-can-be-identified-by-their-clothes-narendra-modi-on-anti-kaa-protest/articles-how/72687256.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst).
- Tiwari, P. (2020, March 11). The BJP has incited hatred it can no longer stop. Al Jazeera. Retrieved from <https://www.aljazeera.com/opinions/2020/3/11/the-bjp-has-incited-hatred-it-can-no-longer-stop>.
- Tümer, S. (1992). "Brahmanizm". TDV İslâm Ansiklopedisi. Retrieved from <https://islamansiklopedisi.org.tr/brahmanizm>.
- UN Treaty Database: Ratification Status for India. (n.d.). United Nations Human Rights Treaty Bodies. Retrieved from [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=79&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=79&Lang=EN).
- Ünlü, H. (2019, December 31). Yeni Vatandaşlık Yasası Hindistan'ın Geleceğini Tehlikeye Atıyor. Anadolu Ajansı. Retrieved from <https://www.aa.com.tr/tr/analiz/yeni-vatandaslik-yasasi-hindistanin-gelecegini-tehlikeye-atiyor/1688440>.
- Vahid, D. (2020, Aralık 11). 'One year of India's Citizenship Amendment Act'. DW. Retrieved from <https://www.dw.com/en/one-year-of-indias-citizenship-amendment-act/a-55909013>.
- Vahit, D. (2016). Türk Vatandaşlık Hukuku (16. baskı). Ankara: Savaş Yayınevi. [Vahit, D. (2016). Turkish Citizenship Law (16. print). Ankara: Savaş Press.]
- Walsh, J. E. (2006). A brief history of India. New York, USA: Facts on file inc publishing.
- Workman, D. (2021, March 21). Top Beef Exporting Countries. World's Top Exports. Retrieved from <http://www.worldstopexports.com/top-beef-exporting-countries/>.
- Tiwari, P. (2020, March 11). The BJP has incited hatred it can no longer stop. Retrieved from <https://www.aljazeera.com/opinions/2020/3/11/the-bjp-has-incited-hatred-it-can-no-longer-stop>.
- Vishwanath, A. (2021, January 3). 3 states, 3 anti-conversion laws: what's similar, what's different. The Indian Express. Retrieved from <https://indianexpress.com/article/explained/religion-conversion-bill-bjp-7129285/>.
- Vaid, D. (2020, December 11). 'One year of India's Citizenship Amendment Act'. DW. Retrieved from <https://www.dw.com/en/one-year-of-indias-citizenship-amendment-act/a-55909013>.
- What is India's caste system? (2019, June 19), BBC News. Retrieved from <https://www.bbc.com/news/world-asia-india-35650616>.
- Workman, D. (2021, March 21). Top Beef Exporting Countries. World's Top Exports. Retrieved from <http://www.worldstopexports.com/top-beef-exporting-countries/>.



# GAV ÇALIŞMA RAPORU

Hacettepe Mahallesi Fener Sokak No: 5  
06230 Altındağ Ankara/Türkiye

+90 312 473 79 11

info@gocvakfi.org

www.gocvakfi.org

