

## CAA and its effects on Indian secularism and regional stability



THE OVERTON WINDOW

Eresh Omar Jamal  
is deputy head of Editorial and  
Opinion at The Daily Star. His X  
handle is @EreshOmarJamal

ERESH OMAR JAMAL

On December 11, 2019, the Indian Parliament passed the Citizenship (Amendment) Act, 2019 to amend the Citizenship Act of 1955. This amendment allowed for Indian citizenship to be granted to religious minorities, including Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians, who fled from neighbouring Muslim-majority countries of Pakistan, Bangladesh, and Afghanistan due to religious persecution or fear thereof before December 2014.

When the Indian parliament passed the Citizenship Amendment Act (CAA) in 2019, it led to months-long protests, bringing parts of New Delhi to a standstill, as the capital was hit by sectarian violence. More than 100 people were killed in the violence across India, mostly Muslims. However, an Act can only be implemented after the associated Rules are notified. Fifty-one months later, on March 11 this year, India's Ministry of Home Affairs notified the Citizenship Amendment Rules 2024 (CAR).

Not unjustifiably, notifying CAR when general elections are about to be announced is being viewed by many as politically motivated. It is widely believed that this was done by the central government to divert public attention away from its failures over the past decade and in particular, its latest setback from the Supreme Court over the controversy of electoral bonds. The BJP government's electoral bonds scheme allowed corporate groups to donate millions of dollars to political parties without any transparency over who was giving whom how much. In February, India's Supreme Court struck down the scheme, calling it unconstitutional, and ordered the State Bank of India to reveal details of donors, which the government had attempted to shield from public scrutiny.

Aside from playing at domestic political intrigues, the CAR could potentially have significant regional implications. Recently, the Indian Home Minister Amit Shah, while speaking on the issue, explained that the Christians and Buddhists in countries like Afghanistan had once belonged to parts of Akhand Bharat. Hence, such people have

South Asia's regional stability. They believe that any calls for Akhand Bharat which may give rise to India's ambition for expansion could endanger the peace and security of the area. It may fuel tensions on geopolitical, ethnic, and religious fronts, particularly in South Asia, where countries could see such demand as ignoring their sovereignty.

While the CAA may seem like a well-intentioned legislation aimed at giving

India. However, the CAA contradicts these methods and instead, bases citizenship on one's religion, which goes against Article 14 of India's Constitution. By introducing the concept of citizenship based solely on religious identity, the CAA discriminates against those who do not belong to the specified religious minorities. This not only violates the fundamental tenet of secularism, which is integral to India's constitution, but

of Delhi, "The emphasis on religious identity as a criterion for acquiring citizenship under the Act raises concerns about the state's role in determining citizenship. Citizenship has traditionally been based on factors such as birth, descent, or naturalisation, rather than religious affiliation. The Act's introduction of religion as a defining factor sets a precedent that could potentially politicise and communalise the citizenship process," thus altering the secular fabric of India.

Additionally, by focusing solely on migrants from Afghanistan, Bangladesh, and Pakistan, the Act implicitly targets Muslims, who are the majority population in these countries. This geopolitical dimension reinforces the perception of religious bias inherent in the Act's provisions—which excludes Muslims from enjoying its privileges.

This seeming anti-Muslim bias among at least some elements of the BJP government, however, seems to be nothing new. According to human rights groups, mistreatment of Muslims has increased in India since Narendra Modi became prime minister. Since 2014, the country has seen a rising number of attacks against Muslims, including the demolition of Muslim homes and assets. Reports of hate speech against Muslims have also increased in the country, averaging nearly two anti-Muslim hate speech events per day in 2023. And three out of four hate speech incidents occurred in states ruled by the BJP.

Amidst such conditions, Amnesty International heavily criticised the CAA as "a bigoted law that legitimises discrimination on the basis of religion," which "should never have been enacted in the first place," adding that, "while the amendment purportedly aims to provide refuge to those facing repression, it fails to recognise and extend these protections to the Rohingya who are often referred to as the world's most persecuted minorities and have a UN Refugee status."

Though the purpose of the CAA may be for India's ruling party to divert negative attention away from its policies, its implication for a region where the British perfected its divide and rule strategy using communalism may be quite consequential. As a result of those old British policies, South Asia, historically, has seen some of the most horrific communal tragedies, the scars of which still linger across the region today. The CAA may only add more fuel to that fire. And it remains to be seen what ripple effects that may have within India, as well as outside of it. In light of that, the Act, clearly, is a step in the wrong direction, both for Indian secularism and for regional harmony and long-term stability.



Students and supporters of the Students' Federation of India (SFI) take part in a protest rally against a new citizenship law, in Kochi, India on March 12, 2024.

PHOTO: REUTERS

some sort of a right of refuge in what remains of that Bharat. But if Christians are assumed to be converted natives of Akhand Bharat, then on what ground would some Muslims be refused such native origins?

As far as the concept of Akhand Bharat is concerned, critics see it as an attempt to build a theocratic state based on Hindutva ideology, which lacks nuance and could be harmful to

expedited citizenship to persecuted minorities from neighbouring countries, a closer examination reveals a sectarian law that ignores international obligations and goes against India's constitutional philosophy. The Citizenship Act, 1955 outlines five methods to acquire Indian citizenship, such as birth, descent, registration, naturalisation and the incorporation of a region into

also undermines a host of other fundamental rights, such as the right to equal treatment under the law (Article 14), neutrality of the State with respect to religion (Articles 15 and 16), freedom of religion (Articles 25, 26, 27, and 28), and enhanced protection to minorities (Articles 29 and 30).

According to Dr Narender Nagarwal, assistant professor of law at the University

## To catch a pirate



Dr Imtiaz A Hussain  
is professor in the Department of  
Global Studies & Governance (GSG) at  
Independent University, Bangladesh.

IMTIAZ A HUSSAIN

"To catch a pirate," Jade Parker wrote in a romantic context, "one must dive into the unknown depths of the ocean." She continued, "it is the wise sailor who adjusts the sails." No matter how horrendous ship-hijacking is, and no matter how personally Bangladesh's vessel being captured by Somali pirates hits us all, piracy's future seems so intertwined with economic fluctuations that preventive measures provide only short-term relief. A more curative alternative could kill the bug at stake.

Stemming from the Latin *pirata* (or *peirato*), the term's original definition still holds. Around 2,000 years ago, Greek historian Plutarch utilised "illegal attacks" and "high-sea ships" to fully capture piracy. The high-seas that then mattered girded Africa and Asia but were anchored in Europe. Vikings colourfully exemplified pirates between the 8th and 11th centuries. They extended the practice across the Atlantic. When Spain's "New World" discovery exchanged silver and slaves across the ocean, treasure hunters from 16th century England joined in. Francis Drake, a prominent figure, looted so many resources for his boss, Queen Elizabeth I, that she knighted him in 1581, making him Mayor of Plymouth (as King George III did with another looter we know: a Shropshire gangster named Robert Clive was made the Baron of Bath from 1764 for his plunders).

Perpetrators were not then, as they are not now, states. As self-seeking private groups, they are open to contracts. Converting European empires into states (of various types) during the 17th century upturned piracy, whose navies secured the high seas (symbolised in the song "Rule Britannia! Britannia rule the waves"). There is a lesson here that piracy-infested Africa could emulate today.

Though drug trafficking has replaced Caribbean and South America piracy today (albeit under stricter naval surveillance), piratical "hot spots" diminished around

Europe and North America because commercial "choke points" emerging elsewhere replaced them: the Suez Canal, Gulf of Aden, Persian Gulf, Malacca Straits, and the South China Sea took over from the Caribbean, the English Channel, North Sea, and Gibraltar. Eastern and western African shores gained prominence, as did the southern and eastern Asian coastlines. Imperialism regularised commercial transactions between these locations and Europe, but European industrial revolutions multiplied those flows from the 19th century. European colonies won independence in the 20th century, but one imperial stamp

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still haunts their newly acquired statehood: they created artificial states (amalgamating rival tribes/groups, not nationalities, like those that European states were built upon) which now fester with civil war. Piracy or smuggling appealed to the tribesperson, as did the material flows of parallel "Western" economic "development." Instability became genetic.

Today's piracy further feeds upon those flows including petroleum and the growing numbers of African/Asian countries involved. Control is now imperative. China's construction of islands typifies state control against pirates in the Far East and its Belt Road Initiative in the southeast of Asia (Malacca Strait) and Africa. Asia's economic



Hijacked MV Abdullah by Somali pirates.

PHOTO: COURTESY/INDIAN NAVY

breakdown in the late 1990s also boosted piracy. In short, piracy correlates well with failed/staggering state-building or economic hardships.

The sheer size of the Indian Ocean, from Africa's east coast to the Middle Eastern/Far Eastern, and Southeast Asian coastlines, also invites piracy. Though naval deployments deter pirates, the playground is too large to be effectively monitored; and random outbursts of "local" groups defy control agencies constantly. China is building more ports, one in Djibouti is naval, another in Mombasa is a regular one. Yet these cannot offset the maritime spillovers of Eritrea's and Somalia's state-building problems nor harness the Mozambique Channel, nor even curtail juicy Red Sea traffic, which embattled Yemeni groups, like the Houthis, freely and loudly prey upon. This stretch is too loaded with the seeds of random incidents to be efficiently contained institutionally or militarily. Inherent differences between Dhulbahante and Isaaq tribes inside Somalia, as too between Eritrea's Abyssinians, Beni Amer, and Tigre clans, guarantee future turmoil. While Kikuyu and Liu tribes face off inside Kenya, ideological contests thrust Marxists, capitalists, and jihadi Muslim infiltrators at each other across Mozambique. These conflicts weaken the coastline, open

piracy and smuggling to the daring, and tempt civil war victims to use piracy to make both ends meet.

We can add the spotty nature of post-Cold War geopolitics to this allurements list. Vladimir Putin recruiting mercenaries to fight the Ukrainian army typified how contending global powers today will stoop below the rules of conventional warfare by resorting to nefarious medieval practices. For a continent as resource-rich as Africa was throughout recorded history, pirates have a potential minefield of incongruities to exploit. Since they can access better technologies to upgrade their tools and have greater possibilities of forging intra-oceanic alliances, they only need a trigger to begin. Economic fluctuations and political fragilities supply them precisely that.

As one of the loudest voices of the Global South (which stubbornly refrained from supporting the West in the Ukrainian War against Russia), Africa paradoxically hosts more United Nations peacekeeping troops than any other continent. Bangladesh aligns with both: it ardently supported the causes of the Global South at the September 2023 G20 Summit in New Delhi, and consistently supplied more UN peacekeepers than any other country. Through these troops, Bangladesh can cultivate friendship and

goodwill "locally" to psychologically deter the turn to piracy and divert "local" energies towards more curative outcomes than face the preventive military measures of states. Rebuilding society is like peacekeeping: the end result is a longer period of peace than force can ever bring.

With more sophisticated weaponry available today, and too many countries—with asymmetrically distributed income—facing a recession, piracy is a nightmare waiting on the doorstep. Statistics obscure this interpretation. Based on the April 2023 International Maritime Organization annual report, though 2022 figures of 131 piratical incidents reported globally was the lowest in the 21st century, how these incidents ranged between 350 and 550 in the first decade of this century should alert us that, though preventive actions can control incidents, but only curative steps can eliminate the practice.

Of those 131 incidents during 2022, the Malacca Strait alone accounted for 70 of them, Indian Ocean accounted for 9, one was in the Arabian Sea, and 21 were in West Africa (with South America accounting for 20). A bulk of the incidents were reported from vessels "steaming" in "international waters." Yet, the number of attacks on "anchored" vessels is growing and alarmingly for Africa, 15 of its 21 vessels attacked were "anchored." This reinforces the underlying malady of a malfunctioning state needing reform more than naval intervention, indeed that cure carries more mileage than prevention.

The numbers may be small, but when they become personal, they magnify messages (and worries), out of proportion. They also teach lessons. First, grassroots connections must be cultivated throughout the entire transactional routes, particularly across Africa. Second, expanding peacekeeping forces instills more positive takeaways among locals, and thereby endears them to the peacekeepers. Third, revamping the navy to meet new 21st Century challenges must prioritise defensive instruments, not offensive. Finally, boosting multilateral and international recourses, both economically and militarily, promotes much-needed camaraderie in a hostile world.

Behind every crisis lies an opportunity window or two. Parker is right, "a pirate's life is not for the faint of heart." But the conclusion, "those with a [piracy] spirit... cannot be tamed," needs to be challenged; replacing "romanticism" for the "reality" of curing the spirit is the way forward.