Center for Strategic & Regional Studies -   Kabul

A critical analysis of CAA- India

Preface

Citizenship Regulation Act 2019 – CAA passed by Prime Minister Narendra Modi's Hindu nationalist government by chanting the preamble to the Constitution of India, The C.A.A. offers an accelerated pathway to citizenship for Hindu, Sikh, Zoroastrian, Buddhist and Christian migrants from Pakistan, Bangladesh and Afghanistan but excludes Muslims, Faced with strong opposition from Indian Muslims and non-Muslims, human rights advocates and activists outside and inside India and the United Nations, Demonstrations in opposition to the law are still going strong, Which has Prevent the Indian government to Great gatherings and block access to the Internet in some places. The Indian Government's answer is that the new regulation to the law does not focus on depriving Muslims of citizenship or discriminating against Muslims. Rather, its focus is on supporting non-Muslim religious minorities who have been oppressed in their countries and sought refuge in India, and that is India's duty to help them.

New Indian citizenship law; 'discriminatory' against Muslim population

In 2003, an regulation was added to the Indian Citizenship Act, which defines the concept of (illegal immigrant), National Register for Indian Citizens – NRIC Both included the law, According to the 2003 regulation, an illegal immigrant is someone who has entered India without legal travel documents (passports, visas ...) or who

has entered India with legal documents but has resided in India for more than the legal time. National Register for Indian Citizens – NRIC is a process to the same is what distinguishes legal Indian citizens from illegal immigrants, but before legal citizens were separated from illegal immigrants, there was another process known as the National Population Register (NPR) Process. The population registration process, both immigrant and non-immigrant, is considered to be the first and foremost necessity for the process of National Register for Indian Citizens – NRIC, According to which resident information should be recorded in all Indian localities, cities and villages to be used later in the process of National Register for Indian Citizens –NRIC process and to identify who the illegal immigrant is. The National Population Register-NPR process was implemented only years ago in Assam, India, The second phase, the National Register for Indian Citizens - NRIC, came into force in 2019, causing two million people, including a limited number of Assamese Hindus and a large number of Muslims, not to be named in the list of legal citizens of India. And so immigrants are considered illegal, it is noteworthy that in India's Assam state a number of Hindu immigrants from Nepal were also found to be illegal, but with the intervention of the government of Narendra Modi before the list was announced, all the names of these illegal immigrants were listed. It should be remembered that the immigrant Hindus of Nepal constituted a strong constituency for the ruling Indian Party. The National Population Register-NPR process was first implemented in all of India in 2010 and 2011 but did not reach its second stage of being the National Register for Indian Citizens -NRIC. The second population registration process-NPR started in 2015 in India but never reached the National Register for Indian Citizens - NRIC stage. Finally, on July 31, 2019, the official Indian roster issued a note stating that the population registration process between April and September 2020 should be finalized throughout India. This time the Indian government seems serious and has already built many camps to detain and imprison people who were declared illegal as a result of the National Register for Indian Citizens -NRIC process. Both the population registration process-NPR and the National Register for Indian Citizens -NRIC process, regardless of religion, can declare anyone an illegal immigrant. So far, despite legal problems in these processes, there seems to be no racial or religious problem. The problem arises when the government of Narendra Modi introduces a new regulation to the citizenship law that allows anyone other than Muslims to be declared illegal as a result of the population registration process-NPR and National Register for Indian Citizens - NRIC process by reasoning with the law, and by His religion was considered to be a legal citizenship of India, It is noteworthy that it is not necessary for non-Muslim illegal immigrants to prove that they were tortured or harassed in their own countries, that their religion is not Islam, but Hindu, Buddhist, Sikh, etc. Is, With

this moderation, the government of India wants to prevent the repetition of similar problems in Assam, in which thousands of Hindu immigrants from Nepal and ruling party supporters were also declared illegal. Thus, many Muslims who have lived in India for tens and hundreds of years are first declared illegal immigrants, later obliged to prove citizenship and, if unable to prove, illegal citizens, and sent to camps. Prepared for them already.

Short-term effects of the law

New Regulation to Citizenship Law and Overall Process of Detecting Illegal Immigrants Will Create Many Problems for Muslims in India, One of the problems is the lack of clarity in the population registration process and the subsequent process of identifying illegal immigrants. Detection of suspected citizenship and illegal immigrants has not been properly explained, and it is unclear what kind of information and documents are required to declare individuals as suspected citizens or illegal immigrants. Detection of these cases necessitated the view of the agents in the process, which would result in discriminatory practices against Muslims, and Muslims who were even legal citizens declared illegal immigrants. Or even responsible officials to demand bribes from legal but also Muslim citizens to notify illegal immigrants if they are denied or unable to pay, If an immigrant is declared illegal it is the person's responsibility to prove his / her citizenship. The process of proving citizenship for Muslims who live in villages and are poor and illiterate is very difficult, inevitable and even impossible, In addition, a religiously biased treatment of Muslims will damage the image of India in the region and the world. India, renowned for being the world's largest democracy, has been home to hundreds of minorities and religions for hundreds of years. Now that the Narendra Modi government and the ruling party want to change the democratic image of India, marginalize Muslims or make it to refugee camps, and make India the land of Hindus only, This will have far-reaching consequences for India's security and economic development and will present a terrifying image of India at the regional and global level, especially among Muslim nations.

Long-term effects of the new law on the Muslims community

The 2019 regulation to the Indian Citizenship Act is not much different from the 1982 Myanmar Citizenship Act. Under the 1982 Myanmar Citizenship Act, only those who could obtain citizenship were considered to be Myanmar indigenous races. Thus, the Rohingya, who are Muslim, were denied citizenship of Myanmar, which eventually led to humanitarian disaster, forced deportation and genocide in recent years. Discriminatory treatment and marginalization of Muslims will cause

severe religious divisions between Muslims and other religions residing in India, especially Hindus. India's nationalists will dare to attack Muslims, ransack their property, forcibly evict them from their homes and lands, and even kill them, something that happened in Myanmar. Amid the sharp divide between religions in India, a new regulation to the law will cause development stagnation and severe economic damage. In countries where different religions live and millions of adherents do not reach the millions, one cannot abstain from paying the rights of any of their adherents or marginalize or discriminate against them. This will jeopardize the security of the country, facilitate the intervention of other countries, and eliminate the peaceful environment and political establishment necessary for economic development. In addition, when in the state of Assam alone about six percent (nearly two million people) of that state were declared as a result of the process of identifying illegal immigrant citizens, If this percentage is extended to the whole of India, approximately 79 million Muslims will be declared illegal immigrants, These numbers are neither economically viable in camps nor politically viable in other countries. The result of declaring Muslims as illegal immigrants to India is the result of intense religious divisions, security problems and ultimately a negative impact on India's economic development.

What should be done by BJP Government?

Illegal immigrants are a major problem in most countries in the world. The US, Europe, Canada and other countries are suffering from this problem. Some of these countries do not allow the granting of citizenship to illegal immigrants, Denial of Citizenship to Illegal Immigrants According to the conditions of countries can be logical, but grant or grant citizenship on the basis of religion among countries is not only uncommon, but also in violation of the most basic human rights. India also declared in 2003 that it was impossible to grant citizenship to illegal immigrants, which could be logical. But the difference between the 2003 adjustment and the 2019 regulation to the Citizenship Act is that the first adjustment was applied regardless of religion, but the 2019 adjustment declared religion the criterion of grant or not grant citizenship. Grant citizenship on the basis of religion is a discriminatory approach that is not common in any country in the world, the only way to amend this law is for the Indian government to immediately remove the requirement of religion from the new adjustment. If the argument is that non-Muslim minorities are tortured in Muslim countries such as Bangladesh, Pakistan and Afghanistan because of their religion and India has a moral duty to protect them and

to provide a safe environment for them, and then this applies to Muslims That in China, Sri Lanka and Myanmar are persecuted because of their religion. Other ways should be sought to identify illegal immigrants and try to minimize their numbers. This should be done in complete transparency, regardless of religion or race; only in this way will India be able to prevent severe security problems, economic damage and becoming a despicable nation in the world and the Muslim nations.

Preliminary Results of Presidential Election; impact on the peace process

The IEC has at last announced on 22 December the preliminary result of the 28 September presidential election. In these results, which are not final yet, President Ashraf Ghani has received a razor-thin majority of 923,868 votes (50.64 per cent) of the 1,824,401 votes counted by the IEC. If confirmed this would mean a win for Ghani in the first round, making a run-off unnecessary. His closest rival, Chief Executive Dr Abdullah, received close to 40 per cent of the counted votes. All other candidates were well behind the two lead contenders. Hezb-e Islami leader Gulbuddin Hekmatyar was in third place, with 3.85 per cent of the votes. The total number of votes counted – 1.82 million (31 per cent women) – represents less than 20 per cent of the almost 9.7 million registered voters and around 12 per cent of the total population in voting age, which is roughly calculated at 15 million.

Why have the election primary results been delayed?

The IEC had scheduled the announcement of preliminary results for 22 days after the 28 September election, on 19 October, and final results for 19 days after that, on 7 November. It had scheduled the possible runoff for 23 November, is less than two months after polling day. In late October, however, the IEC postponed the announcement of preliminary results to 14 November. This second deadline was also not kept, and more than two months since the 28 September election, it has still to set a new date for preliminary results.

When announcing the first delay on 19 October, the IEC cited "technical reasons" and more so" its intent "to secure transparency" for the procedure. Two days after the second deadline was missed, on 16 November, the IEC cited the following reasons:

- The objection of some election campaigns to the packing of audit and recount material (IEC preparing them to be dispatched to provinces) so that they were unsent for three days. The IEC wanted to carry out an audit and recount of 8,255 polling stations located across all of Afghanistan's 34 provinces which either had no biometric data or showed other discrepancies. However, most of the candidates wanted the audit and recount delayed until the IEC had agreed to discount some 300,000 votes which they said were invalid. These 300,000 votes include: 102,012 votes cast outside polling hours; 137,630 initially-quarantined votes and; between 50 and 70,000 votes with invalid photos details.

- The objection also of some election campaigns to the audit and recount, which led to the closure of warehouses in 14 provinces. This was a reference to actions by Abdullah's supporters which forced the IEC to suspend the audit and recount for five days from 13 to 17 November

- Dermalog, the German company that had provided the Biometrical Voter Verification (BVV) devices, taking more than one week to send data which, the IEC said, it had supposed to be sent in two or three days.

The likeliness of the second round

The Independent Election Commission (IEC) announced the preliminary results of the Sept. 28 presidential vote after a three-month-long delay based on which President Ghani has won reelection by a hair's breadth, netting 50.64 percent of the total over 1.8 million biometric votes. However, questions about the transparency of results as well as the large volume of complaints lodged by various presidential teams bolster a concern that the final results may see a radical change after

adjudication of the complaints by the Independent Electoral Complaints Commission (IECC), thereby pushing the election to the second round to be held between the two top contenders. According to electoral laws, the candidates have three days to lodge complaints with IECC about the results. On the first day, the Stability and Convergence team led by Chief Executive Dr. Abdullah Abdullah, who rejected the outcome as "fraudulent", has registered over 8000 complaints about the preliminary results. Abdullah's team, which had also boycotted the vote recount and audit process, is calling for invalidation of at least 300,000 votes that his team describes as either non-biometric or cast outside the official voting time. In the meantime, IEC is also divided over the preliminary results. Following the announcement of the results, Maulana Abdullah, an election commissioner, has acknowledged in a letter addressed to IECC that the preliminary results were beset by legal and technical issues, calling on the commission to investigate all complaints with utter neutrality and independence, separate genuine and fraudulent votes, and evaluate the results. Even though it took IEC three months to release the preliminary results, there are still questions and concerns about the transparency of the results. The registration of 8000 complaints just by one team indicates that the possibility of a sea change in the final results cannot be ruled out. If IECC invalidates more votes as in previous elections based on complaints or any other considerations, a run-off becomes inevitable. Given the huge number of invalided votes in previous presidential elections, it is highly likely that the electoral complaints commission may nullify President Ghani's votes as much as his overall votes fall short of the "50% +1 vote" threshold necessary to be declared winner of the election, thereby making the second round unavoidable In these preliminary results, President Ashraf Ghani has crossed the 50 per cent threshold necessary to avoid a run-off, but only by a razor-thin margin of fewer than 12,000 votes. The main other presidential candidates have already rejected the result. The likelihood of such a scenario stands high, as Americans also prefer it since they are not sure if President Ghani, if reelected, will be ready and willing to step down in case the ongoing peace talks between Americans and the Taliban succeed.

The Effect of Elections on Peace process

Undoubtedly, elections, how-to elections, delays of results and then the announcement of preliminary results are linked to the ongoing peace process. Most people expected that there should be peace and re-election first, but President Ghani was trying to get the first election and then he entered peace talks with the status of an elected president. President Ghani's request was implemented, and the reason was

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that the US pressured the Taliban that if they did not accept the request, there would be elections in Afghanistan and there was no chance of peace again for five years. In addition, there was no significant improvement in the dialogue between the Taliban and the US during the elections. When the elections were held, there was significant progress in the dialogue between the Taliban and the United States, since the announcement of the election results had a negative effect on the ongoing talks with the Taliban, now that the Taliban and the United States have had more recent. And the Taliban insist on their ceasefire alone, so the US wants to pressure them once again. That is why the preliminary election results have been announced to show the Taliban that if they do not accept our request, the results of the election will be known and Afghanistan will have a re-elected president for five years with the chance of peace with the Taliban decreasing. Now a path to the Taliban has been left open. That is, the Complaints Commission will accept the demands of the US until the work is done. The Taliban are shown that if they do not accept these demands, the appointment of an elected president for the next five years will only require the decision of the Electoral Complaints Commission. If the Taliban accepts these demands, then the ECC's decision will drop President Ghani from the winning position, the election will go to the second round and the second round will not be held. Then there will be a government based on peace and a new structure in Afghanistan, which will make the election process and results meaningless. Accordingly, electoral changes, disputes, developments and obstacles in Afghanistan are all linked to the peace talks in Qatar. Here, electoral developments are used to pressure the Taliban, and again the results and progress of the talks here affect the fate and outcome of the elections. The commissioners of the Electoral Complaints Commission (ECC) have said that due to the increase in complaints, the process may not be completed within a certain time frame, be done.