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Ambivalence Constitutional Developments in India during 2019: Impacts and Implications on Muslim Community

Abstract

Indian society has been divided in the standpoint of contentious constitutional developments that have made in the second consecutive tenure of BJP in the history of India. Stiff ideology of Modi's government may pave the way to replace the state secularism with Hinduism. For improvising theocratic values in the state affairs, drastic steps have been taken by the current government of BJP & State Institutions. These constitutional updates are making intentionally to marginalize the second largest Muslim community of India. Research work mainly focuses on the issues of CAB-NRC, abolish of special status of Kashmir and Ayodhya verdict. Paper is explaining, how the Muslim community is directly affecting from these amendments and what would be the long term impacts & implications on Indian society while how the Muslim community is responding on these constitutional changes. On the other hand, it is deeply examining the multi ethno- religious society of India could digest the bitter doze of supremacist tenets of BJP government.

Key words: Hindutva Ideology, Contentious Laws, Hindustani Muslims, Marginalize, Community, Siege Secularism, Hindu Nationalism

1. Introduction

Constitutional developments make for eradicate the complications and drawbacks, which have begotten by varying trends including internal & external circumstances of the state. These developments are made for the welfare of citizens of any State and Society by the Parliament. Purpose of the developments if would be hand down or target a specific community in multi ethno-religious society results would be fusses and frustrations in the state. India's Bharatia Janata Party (BJP) had made exultant victory with parallel support of a stiff Hindu ideological group Rashtriya Swayamsevak Sangh (RSS) in India's Lok Saba elections which were held from April to May in 2019. In these elections BJP had secured three hundred three seats out of five hundred forty two seats which were comparatively twenty more seats in lower house in Indian parliament than last 2014 elections (Jeffrey, 2019). It seemed after elections results, BJP would take big steps for improvise hindutava ideology in secular sate under the Prime Ministership of Narendra Modi which prerogative manifesto was openly announced by the BJP leadership in

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public processions during election's campaign. BJP government on early August 2019 started to work on its manifesto; it revoked Article 370 and abolished the special status of Jammu & Kashmir. The government of India distributed it into two peripheral union territories, foisted curfews, cut off communication sources and detained former members of the state assembly. Furthermore, ten thousand of additional Indian troops were deployed in Jammu while schools & colleges were shut down and tourists were ordered to leave (Whitehead, 2019). Article 35A in the constitution of India which gave special rights to the people of the Jammu & Kashmir had been scrapped.

BJP leadership was considering after Supreme Court verdict in November 2019 on Ayodhya dispute, they made everything that their founders dreamed. BJP and RSS had leaded mob which was involved to demolish the Babri Mosque in Uttar Pradesh on 6th December 1992 because they claimed it was the birth place of god Ram (Petersen, 2019). Although Ayodhya verdict was not constitutional development in the history of India, yet it would keep significance and make great impacts on other constitutional developments which were in pipeline as well as decision was correlating with coming constitutional developments. The court decision made clear, this oppugn site would build grand Ram maunder in near future which was revealing the influence of Hindu deity on Secular State Institutions. Policies of ruling party were reflecting its pro Hindu nationalistic ideology which main purpose was to target other communities particularly Muslims of India.

Another bold step was taken by the government of India in December 2019 after submission the report by the Joint Parliamentary Committee (JPC) who had worked on improvising criteria of Citizen Amendment Bill (CAB) since 2016. It was presented in Lok Saba in July 2019 since after 2003. CAB & NRC for BJP party had core part of its party campaign in 2019 elections. During elections campaign in Assam and West Bengal in particular but also in other states, the BJP leaders had cleared, when BJP party would return to power, it would guarantee that CAB-NRC would make an act in constitution (Roy, 2019). The manifesto of the Congress Party in India was released in April 2019 in which it opposed the CAB act.

CAB bills was regarding illegal migrants from Bangladesh, Pakistan, Myanmar, Afghanistan and rest of neighboring countries who had illegal entered in India. Antithetical tendencies gave birth after presented and passed the bills by the Parliament in which Hindu, Parse, Sikh and Christian could apply for citizenship for India or could get long term visas on the behalf of religious asylum while Muslim would be exempted this privilege. On the other hand, NRC bill related to four million Bengali Muslims who have settled in Assam and west Bengal since 1966 or even later would provide their forefather's Indian citizenship proof in the perspective of 1955 citizenship act or must be name in finial migrant list which was prepared by home department with the help of the states officials otherwise they would be considered illegal in a year 2020 and they would deport or sent to detention centre (Jeffrey, 2019).

Consequently, violent protects wrapped major multi ethnic states particular capital city of India, Uttar Pradesh and west Bengal. Students of different colleges and universities especially Jamie Millie Islamia University including Indian secular class and opposition parties are protesting against controversial amended laws. They are also claiming to repeal CAB & NRC because these are directly targeting specific community deliberately by the government (Dutta, 2019).

The purpose of the research is to highlight the specific constitutional developments during 2019 under the Prime Ministership of Modi which are mainly concern by Muslim community of India. It elaborates the different impacts and implications on Muslim community and examines how the government of India is trying to implicate these contentious laws and bills on Muslim community under the secular state of affairs. This Research also focuses how BJP's government is letting down the constitutional norms & values of secular state and society of India by implementing its supremacist ideology and extremist Hindu dogma under the umbrella of RSS. For this purpose of research qualitative technique is applied with using secondary source of data. Research has furnished through explanatory research design which conclusively explains the aspects and modus operandi which present government are using to demoralize the moral of Muslim community of India.

2. Review of Literature

Most recent and comprehensive research material has been collected from the research articles, weekly journals, news papers, courts decisions and published government records. Kanchan Gupta in this ORF special

report reveals the BJP policies and agenda for illegal migrants of Assam and south Bengal which has migrated from Bangladesh. In this report has discussed the new developments which would make and updates in Citizen Amendment bills 2003 for illegal Muslims migrants who came in India long time ago including highlights the privileges in this amended bill for other communities like Hindu, Sikh, Jain, Christian and Parse. Report has also discussed the challenges for government after implanting this controversial amended bill by Muslim community (Gupta, 2019). Hannah Ellis Petersen in this article has detailed discussion on Supreme Court verdict on Ayodhya dispute. In this article, conclusive historical facts of disputed Ayodhya site, riots of Baburi Mosque including current situation of Uttar Pradesh have been discussed. This article also has thrown light on the causes and effects on the Multi Ethno-Religious society of India after SC decision (Petersen, 2019). Andrew Whitehead in This Article has delineated the conditions of Kashmiries after revoke the article 370- 35A which give the special status of Union territories of India including Kashmir. Article has analyzed the poor condition of people of Kashmir under the curfew. The author of this research article has made many apprehensions on Kashmir's situation after lifting curfew on Kashmiries (whitehead, 2019). Anupama Roy in this paper covers detail history as well as different amendments & updates in Citizenship bill from 1955 to 2019. Paper has covered the impacts on illegal migrants after amendment in 2019 in CAB. He has also focused on the future challenges for the BJP governments when it implemented this bill on Muslim migrants. Finally research paper has revealed, how the government of India is intentionally targeting the illegal migrants of India on communal bases (Gupta, 2019).

3. Historical Backgrounds

Constitutional developments during 2019 have alienated the Muslim community. Policies of BJP government are doubtful for secular society and especially Muslim Community due to its stiff Hindu ideology. During 2019, two major developments have made which particularly hit to Muslim community which community numbers are equal to Brazilian population. Historically not only Muslim community but other minorities like Sikh, Buddhists and even Dalit Hindu have severely persecuted by the antagonistic Hindu groups. Since 2014, Narendra Modi is legitimizing India for Hindu belligerent groups, these groups are targeting the religious minorities including their atrocities are rising consistently to replace secular state into spiritual state (Griswold, 2019). Initiatives of BJP government during 2019 have revealed on Indian society that it may soon deprive of its secular status.

3.1 Origin of Article 35A-370 and Status of Jammu & Kashmir

According to Indian constitution Article 35A covers the jurisdictions of state legislature of Jammu & Kashmir which defined the permanent residents of the state and it also covers the privileges and rights to the native Kashmiries which added by the presidential order in 1954. According to Article 370, Jammu & Kashmir covers these privileges which are relating to votes, contest elections, Jobs, Scholarships, property of Land strict to the Indian native Kashmiris rest of Indian citizens of other states have not entitled to keep these benefits (Bhadoriya, 2016).

Before the Partition, Jammu & Kashmir was a princely state under the British Raj, which had own state subjects and it was not under the direct jurisdiction of the British colonial subjects. On the accession of Jammu & Kashmir with India on 26th October 1947, The Maharaja of Kashmir handed over defense, communication and foreign affairs to the government of India and later these matters became ceded subjects to the State of India. Article 370 was connected constitutional order 1950 which was further formalizing the discussion and way to making relationship between Centre and State. Delhi Agreement which was signed reciprocally on 1952 in which government of India and State were agreed on citizenship of India which would be extended to all citizens of the State of Jammu & Kashmir (J&K) as well as the State matter would be deal by the State government and legislature. State would also empower to legislate over privileges and rights which would under the state subject (Raghavan, 2017). After adjustment of Delhi agreement by the legislative assembly of J&K, President of India issued the 1954 order in which Citizens of State of J&K extended to citizenship of India. Article 35A made part of the Indian Constitution which particularly defined the Privileges for State citizens which would enact with State legislative assembly.

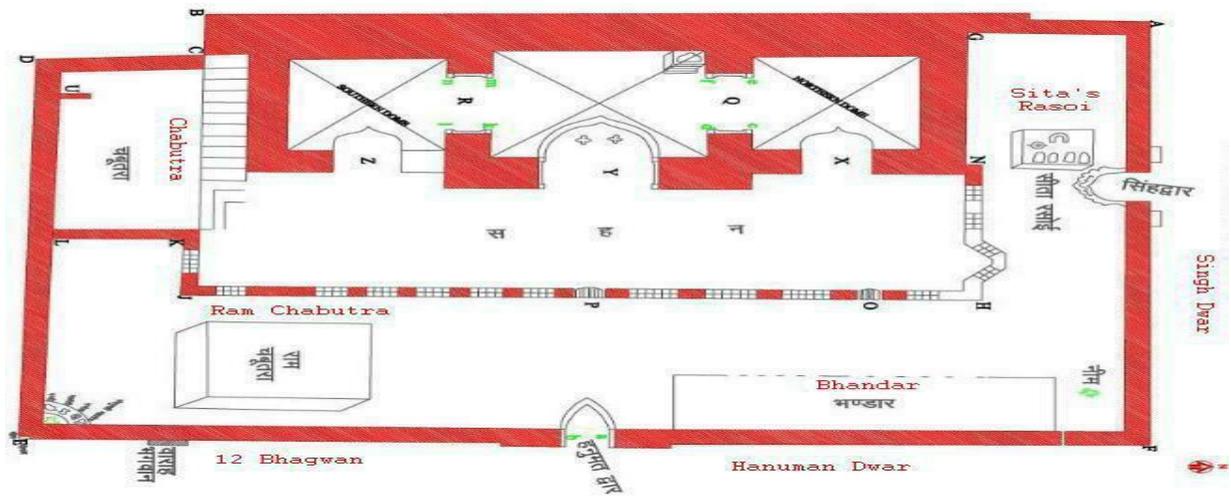
The constitution of J&K was adopted on 17th November 1956 by the state assembly in which permanent resident of State would be the state subject and definition of permanent citizen is a person who has been resident from ten year including he or she acquires legally immovable property in State of J&K while State legislative assembly has right to alter or update the citizenship laws by pass an amendment bill with two third majority by state assembly". Under the state's constitution Article 51 relates to qualification of member of legislative assembly, a person cannot be chosen for the seat or contest state's until he or she not a permanent resident of the state while Section 127 relates to the public servants which under the jurisdiction of state subject after commencement of the state constitution (Roy, 2019).

President Ram Nath released presidential order and later passed by both houses of state assembly of India on 5th August 2019, in which article 35A and 370 were revoked including provisions of Indian's constitution would be apply same on J&K as other parts of the India without any Privileges. Furthermore, any special status or constitution would not stand any more for state of J&K, while J&K would split into two parts Kashmir and Ladakh (Whitehead, 2019).

3.2 Ayodhya Dispute in Historical Perspectives

Ayodhya dispute has been politically, socially and religiously hot and burning issue since long time ago. Hindu and Muslim both are claiming on this plot which is located in Ayodhya city in Uttar Pradesh. Hindus have been averring since five centuries, it was the place of Ram Janambumi temple which was destroyed when Mogul Babur was ruled on subcontinent and he constructed Babri Mosque with the replacement of Ram Maunder. Muslim Sunni waqaf of India disagree with the statements of Hindus on Babri Mosque, they claiming these are only rumors that Ram temple was ever existed on this site before construction Mosque.

Image: Ayodhya Disputed Plot



Source: https://en.wikipedia.org/wiki/Ayodhya_dispute#/media/File:Ayodhya_disputed_site_map.png

First religious violence took place in mid of eighteen century near Mosque which located close to Hanuman Garhi. On 1850, a local Hindu group attacked on Babri Mosque and they wanted to build a Hindu temple on the same site where Mosque was existed while British government turned down the request of Hindus, it would outbreak communal riots in subcontinent of India. Akhil Bharatiya Ramayana Mahasabha, a Hindu religious movement which members had planned to possess this land, on 22nd December 1949 a stir was made for possess this land and Hindu activists placed Rama Seta idols and they also arranged nine day continuous recitation of Ramcharit Manas in Baburi Mosque. Majority Hindus believed these idols astoundingly appeared in the Mosque and these were not placed by any group (Bacchetta, 2002). Prime minister of India at that time was in favor to remove idols from Baburi Mosque but K Nair local official of Uttar Pradesh was not ready to following orders of the Jawaharlal Nehru and he claimed if it would do so consequences would flare-up the communal riots.

Vishwa Hindu Parshad belonged to sangh parivar which was Hindu nationalist group. It launched another new movement in 1980, its title of movement was reclaimed, build Ramlala temple on the site of Baburi Mosque which was dedicated to infant Rama. BJP was formed in 1980 from the remaining of Jana Sangh and it was made campaign by his political face. In 1986 a district judge ruled, the gate of this contentious site would be opening for both Hindus & Muslims for their worship. L.K Advani BJP top leader went on Rath Yatra to Ayodhya in September 1990 for support of Rama temple movement from BJP, he stated during yatra "If Muslims entitled to the Mecca, Christens entitled to Vatican then why Hindu can't entitled to Ayodhya in religious atmosphere" (Bacchetta, 2002). Later on, communal riots out braked in different parts of India and Advani was arrested by the Bihar police while Kar Sevaks became aggressive on his arrest and they tried to attack on Mosque which result many Kar Savak killed by the Police.

After severe communal riots, fresh elections were held in India and BJP secured handsome share in Lok Saba and it also win majority seats in Utter Pradesh assembly. Vishnu Hindu Parshad and its members lead by BJP organized a rally in 6th December 1992 in which one hundred fifty thousand Kar Savak reached at contentious site where top leadership of BJP made controversial speeches. Mob went aggressive and attacked on Mosque and Mosque bought to the ground within few hours, though numbers of police officer were deployed for security of this site. In these communal riots more than two thousand Indian killed in different cities (Griswold, 2019). A Liberahan commission was setup by the Indian's government to find the facts after severe criticism on Ayodhya dispute and demolishing the Mosque. Commission's report presented to government in which many leaders of BJP like LK Advani, Vajpayee, Monohar Joshi, Kalyan singh UP chief minister were declared culprits while VPH party leaders Giriraj Kishor, Ashok Singhal including RSS former leader Govindachariya and Shiv Sena head Bal Thackery were also part of these riots. Report also revealed these leader made offensive statements and speeches during really.

First suit was filed in 1950 in Allahabad high court by the Gopal Singh Visharad and he requested to honorable court for offer Pooja at ambivalence site. Later on, another law suit was filed which was similar to last one by the Parhaman Das Ayodhya that was later withdrawn. Third law suit was filed by Hindu religious Institution Nirmohi Akhara in 1959, requested to court for taking control over disputed land. Finial law suit was filed by the Indian Sunni Waqf board for deceleration and possession of this property. Allahabad high court started haring of Ayodhya dispute on 2002 and it completed this case in 2010. On September 2010, three member's bench gave decision in which part of land divided into three parts. Ramlala idol site would give to Ramlala Virajman while Nirmohi Akhara would keep Sita Rasaoi and Ram Chabutra on this site finally rest of remaining site would be hand over to Sunni wakf (Sibghat Ullah Khan, 2010). Three contentious parties appeared in front of the SC on controversial decision of high court. SC of India made finial hearing on august 2019 while finial decision was made on 9th November 2019.

3.3 Different Developments in Citizenship Law in India's History

Indian constitution, Article five to eleven in Part-II relate to the citizenship. According to the constitution of India "All the people who reside in India and born in India are the citizen of India while President is first citizen of India at the commencement of constitution" (Assembly, 1950). Citizenship Act was given in 1955 in the history of Indian legislation while different amendments was made in different times as in 1986, 1992, 2003, 2005, 2015 and finally recent update was made in December 2019. According to 1986 amendment in citizenship bill bound for citizenship at least one person in parents must be India citizen it was descent citizenship while amendment 2003 made restriction no one would be illegal migrant in the parents, if it would so then new born child would not be Indian citizen and it would also compulsory for government of India that it would make of National registration of citizens (Dutta, 2019). Recent Amendment which was done on the edge of 2019 by the government which was directly religion base prosecution towards the specific community while it bestowed with privilege of other minorities from Bangladesh, Pakistan, Afghanistan excluding Muslims. These contradictory measures created mount of upheaval in India.

First amendment in the Citizenship bill was made after the stir in Assam and completed legislation according to Assam accord. This amendment was by birth citizenship of India in which a rule of Jus Soli was adopted, a same doctrine of citizenship which was adopted by US for citizenship. While in 2003 amendment Jus Soli was abolished and it restricted to legality of parents in India and illegal migrants would not peruse for

citizenship by Naturalization or the process of registration. Since before 2001 illegal migrants whom from Bangladesh were fifteen million in Assam, South Bengal and rest of other states in India. After this Amendment all migrants who were living in India without documents or without legal status would be considered illegal. Although Indian government was not signatory member of UN refugee convention 1951, it was not following UN protocols of 1967 and India had not national policy on refugee yet traditionally it was hosting migrants on the Policy of Jawaharlal Nehru (Das, 2016).

BJP was standing on clear agenda for illegal Muslims migrants to detain and deport from India since 1996 (Das, 2016). BJP had manifesto in the Lok Saba election in 2014 that government of BJP as would come into power it would take initiatives for Hindu's minorities which were persecuted in the neighboring countries of India, would provide refugee status in India on the basis of natural Hindu's home policy. While in 2016 assembly election agenda of BJP was free of Assam and south Bengal form illegal Bangladeshis. Since after 2016, illegal migrants were identified by the state government with collaboration of home department of India to detain and deport to Bangladeshis, while citizenship or refugee status was granted to those migrants which were non Muslims. Another development was made after these elections minorities migrants from Bangladesh and Pakistan were given refugee status by the government of India and minorities communities were exempted from legal entry in India or entry without passport "passport act,1920 & foreigner act ,1946" (Dutta, 2019).

The update of registration in Assam according to Assam accord and Supreme Court ruling was made according to the 2003 amendment in citizenship act, it was process of national registration of citizens which was done by home department officials with the help of state departments. This NRC was made publically in August 2019 in which nearly two million residents were not in government citizenship list or may their status in danger position and it might be possible they would drop from citizenship status due to their illiteracy including influence on government by majority Hindu community of Assam (whitehead, 2019). The recent amendment bill was passed in the end of 2019 that was receiving great criticism in India which might create further challenges for the BJP government and possible chance to create disharmony among the multi Indian society due to its contentious nature in citizenship laws.

4 Contentious Constitutional Developments Impacts and Implications on India

Different developments which are made from August to December 2019 are directly affecting Muslim community in India. Although these developments relate to the suspension of Kashmir special status, NRC-CAA bill and Supreme Court verdict on Ayodhya dispute it seems that India secular constitution is being tried to replace with spiritual constitution by the government of BJP. Muslims of India have been feeling insecure in India from ongoing government policies which work for marginalizing the Muslim community by making controversial laws and amendments in the constitution of India (Griswold, 2019). Though Muslims and Hindus have dissimilar theologies, culture and religious values which often causes of confrontations between both major communities, yet under the secular state set up they are maintaining equal rights and privileges in India under constitution.

4.1 Position of Jammu & Kashmir after Updating Article 370- 35A

National Democratic Alliance (NDA) under the Prime Ministership of Modi made major changes in the Article of 370 which gave special status to J&K including Ladkh region. Annulment of J&K special status and merge this state into India was the longstanding political demand of the BJP. According to J&K Reorganization act 2019 was relating to division of State which split into two main territories Jammu-Kashmir and Ladkh (Mustafa, 2019). Reorganization act and annulled special status of J&K immediately enforced by the government of India which made unrest in Jammu and Kashmir valley. After Abolished the Article 35A with the presidential order and article 370 by the constituent assembly, New Delhi had kept more control on Administrative, law & order and legislative matters of J&K while privilege status of J&K was replaced into ordinary state as other states in India by the central government.

Although Supreme Court had ruled in April 2018 about the permanent status of Article 370, yet government of India triumph over the legal challenges and it made inoperative of Article 370 which still existed in constitution. From 1954 to 1994 total forty seven presidential orders were issued with the concurrence of the government and without any constituent assembly while these provisional orders in Indian constitution were applicable on J&K (Mahapatra, 2018). The presidential order was issued by using 3rd clause in Article 370. This

clause allows to President of India that president declare Article 370 inoperative for modifications and exceptions by the recommendation of (non-existent) state constituent assembly if it do so. For cope with the legal challenges on no exist of state assembly, President worn first clause of Article 370, which gave authority to the president to update and modify the provision in the constitution of India and it related including subject to J&K, while interpretation of the constitution a new clause was added in Article 367. President also replaced phrase of constituent assembly with legislative assembly which made clear the governor would appoint by the central government while state legislative matters would be deal by the parliament of India, more simply the order stated that any reference to the legislative assembly would be made as a reference to the Governor of Jammu and Kashmir (Whitehead, 2019).

A resolution was moved by the Amit Shah Home Minister of India in Upper house of Indian to give necessary recommendation to the president for declare article 370 inoperative, later revoked of Article 370 and bill for reorganization of State was debated and consequently passed in Rajya Sabha on 5th August, 2019 with sixty seven percent vote in favor and thirty three percent against it. While on next day resolution was passed with eighty six percent in favor and fourteen percent it's against in Lok Saba (Jeffrey, 2019). Supreme Court on 28th August was ready to hear numerous petitions which were filed against the revocation of Article 370 and split of J& K in two union territories. Five member Court bench also ordered to the government to give answer within seven days for cut off communication and other restrictions in J&K. Petition was first heard by the SC bench on 30th September 2019 and it allowed to the government of India for submit its reply within thirty days and next hearing would be on 14th November, 2019 while petitioner requested to the court to revert the reorganization of union territories bill with court injection orders which was rejected by the SC bench (Griswold, 2019).

Earlier, taking formal actions on constitution amendment, home ministry had approved to mobilizing and increasing numbers of paramilitary force in J&K. It was claiming that these measures were taking due to security threats from Pakistan. Statement by the Army official on 2nd August that terrorists with assistance of Pakistan army were planning to create high-end turbulence in the Kashmir valley and they recently attempted to target the yatra. While India government ordered to students and tourists to leave J&K valley immediately (Hussain, 2019). Indian government on 4th August distributed satellite phones to the army personals in J&K for further communication while on the same day communication as telephone service, Internet, TV and Cable services were publically shut down. Prior to revoke the special status of J&K, curfew was imposed on Jammu & Kashmir and Ladkh region by using section 144 (Mustafa, 2019). Common life had besieged while schools and other public institutions were closed after emergency.

Reaction on the Abrogation of special status and reorganization of state Jammu and Kashmir seemed differently in Indian society. Most of opposition parties and community of Intellectuals in India were considering that decision was taken in haste and it would make ethnic cleansing of Kashmiries as well as distribution of Kashmir valley into two parts was made on communal base for securing strong vote bank of BJP and Hindu nationalist parties. While leaders of Indian National Congress party had contradictory point of view on Kashmir Issue, Ashok Gehlot chief minister of Rajasthan was against the revocation of Article 370 as well as arrest of prominent kashmiries leaders as Mehboba Mufi, Umer Abdullah, yaseen Malik and many others while many cabinet ministers including congress member from Rajasthan welcomed this act. Ramachandra Guha, A G Norani, Arundhati Roy, Amartya Sen and many other historians and novelists were against the removal of Article 370 and they considered that detention and arrest of Kashmiri Leaders were classical colonial example and government of India should take democratic solution rather than curfew and these step would pave the way of violence & extremism in Kashmir (Hussain, 2019).

Reaction was made by Indian National Congress leader Rahul Gandhi against the curfew and arrest of five hundred Kashmiri leaders, it was unconstitutional and undemocratic act further congress filed two petitions supreme court for urgent hearing against lock down and arrest of Kashmires leaders. Rahul traveled to Srinagar accompanied with twelve other leaders on 24th August for watching the ground realities but he and his fellows leaders were not permitted to entry in Srinagar and sent back them from Srinagar air port. On the other hand Bupinder Singh Hooda CM of Haryana, Arvind Kajirwal CM Delhi, Jyotiraditya Scindia, Janardan Dwivedi, Mayawati Bhujan Samajh party and many others leaders including different states and countrywide Hindu nationalist parties were in favor of delectation of Article 370 & organization of state of J&K. Further they were considering, people of Kashmir were bearing social, economic and Political injustice under Article 370 while other minorities now would have equal

rights and privileges. Though they believed, decision was made late yet historical mistake had fixed (Griswold, 2019). Leaders of Jamiat Ulma-e-Hind also supported the abrogation of Article 370 and stated “Integration of Kashmir with India is in the interest of Kashmiri people” (Neg, 2019).

International reaction on Kashmir issue was also differently by different countries. Soon after the revoked of Article 370, a statement was given by the foreign office of Pakistan “As a party of international dispute, Pakistan will make possible steps to counter the Indian (UNSC) violation of resolutions and will put forward this matter on international forums including UN Assembly” (Syed, 2019). Pakistan had suspended bilateral trade through border with India since 9th August 2019. While China Foreign Ministry spokesman Hua Chuing stated that jurisdiction of Ladkh union into India would be challenge the territorial sovereignty of China which would create escalation between India and China. France, Canada, Germany, Australia, Turkey, Russia, USA, UK and many other countries were stressing to deal this matter bilaterally by both India & Pakistan. President of US had already offered to make third party between Pakistan and India for resolving Kashmir Issue. Many countries as Israel, UAE and Bangladesh stated constitutional updates in India were internal matter of the country and these constitutional updates would create social, economic benefits for the people of Kashmir. Further EU, UN, OIC, and Human Right Watch these organizations stressed on India government to lift curfew and unbanned communication on Kashmiries while these international organizations closely monitored the situation of Jammu & Kashmir.

People of Kashmir valley protested on revocation of Article 370-35A and ongoing blockade on Kashmiries. On 9 August 2019, they threw stone on security forces after Jumma Prayer in Srinagar while security forces used ballot guns and tear gas for disperse the crowd in which many protester injured. Hundred of peoples of Kashmir killed during protests and search operations by the security forces of India. On 16th August chief secretary of Jammu and Kashmir Subrahmanyam stated that the government would lift lock down phase wise in J&K and landline phone service would restore on 18th Aug. Furthermore school & colleges would reopen on the on 19th Aug in Srinagar and finally land line service would functional in most of districts in Kashmir before 25th August 2019. Voice president of Kashmir chamber of commerce said “More than half million people have lost their job and hundreds of formers could not harvest apple crop since barricade and these factors have disturbed the domestic economy while majority people of Kashmir have reached beneath the poverty line” (Parvaiz, 2020). People of Kashmir who were living in foreign countries, they have had made daily protest against lock down and cut off communication in J&K valley in front of Indian consulates & embassies in different countries as England , America, France , Germany, Bangladesh and many others countries.

4.2 Court Decision on Ayodhya Dispute & Muslim Community of India

Indian Supreme Court bench made unanimous judgment on Ayodhya dispute on 9th Nov 2019. This bench consisted of five members Judge which headed by Chief Justice Ranjan Gogoi. On the Day of Judgment security was highly alert in major cities of India including Uttar Pradesh while public holiday was made in many districts in India. On the other, Prime Minister Modi appealed to the people of India for keeping religious harmony & peace. Salient points of verdict of Supreme Court bench’s as follow

- SC bench ordered to the Government of India that government would produce a trustee’s board within the three month from the date of verdict for built a Ram temple as well as the board would take care of Temple and disputed land and ownership would hand over to government of India for three months until board will start to function.
- Disputed 2.7 acres piece of land given to Ram Maunder while 5 acres of land would be allocated to Sunni waqf for built a Mosque in Ayodhya on suitable place.
- SC court nullified the decision of Allahabad high court which was given in 2010 on the division of piece of Property into three parts.
- SC ruled that Demolition of Babari Masjid in 1992 and profanation of Masjid in 1949 both were defiance of law.
- Court observed from archeological site survey of India which made many evidence of the architecture and Structure of the Mosque that Babari Mosque had dissimilar the Islamic architecture and design.

- The court also observed all the Janamsikya which stated that Guru Nanak had offered prayer in Ram Temple Ayodhya in the year of 1510, while a group of Nihang Sikh had also performed Puja in same place in the year of 1857 in Mosque (Rajagopal, 2019).
- SC bench wrote in its verdict that Muslim parties including Sunni Waqf enabled to provide satisfactory proof of possession of contentious site while Hindu parties provided better evidences and they proved that they had worshipped inside the Mosque as they believing it is the Janmabhoomi of god Ram. Bench also cited that iron railing was set up in a year of 1857, which was separated inner and outer courtyard for Muslim and Hindu while earlier Hindus could also move and worshipped in inner- courtyard.
- Bench ruled that Nirmohi Akhra suit could not be uphold as well as it would not Shebait Right while a suitable representation of Nirmohi Akhra would be given in trustee's board.
- Claim of Shia waqf board against Sunni waqf on the possession of Babari Mosque was rejected by the SC court. The SC discharged all eighteen petitions on 12th December 2019 which were seeking review of decision (Roy D. D., 2019).

Verdict on Ayodhya dispute was making mix reaction domestically in Indian society. Many political parties in India great welcomed this decision. Although BJP leadership was supporting this decision and they were considering that this decision would peace & harmony after resolved an issue by the SC which halted since centuries between Hindu-Muslim communities. It was surprising that Muslim Sunni waqaf had accepted this decision with further no review of petition including Imam of Jamia Masjid Delhi was also in appreciated of this decision. On the other hand, All India Majlis-e- Ithedul Muslimeen a prominent Party of South India was highly criticized this verdict and party president Assaddin Owasi was also unsatisfied from the court decision while he felt this decision was under the pressure of the BJP government. He cleared it was the victory of faith over facts including it was pre planned agenda by ruling Party to improvise Hindu nationalistic ideology for persecuting the Muslim community of India particularly in the state of Uttar Pradesh (Rashid, 2019). While Indian Congress party was opposing to this decision because Party leadership was feeling Ayodhya dispute would make disharmony and increasing anti sentimental approach against the Indian nationalism by the Muslim Community which would further outbreak angst in Indian society. All India Muslim Law Board and JUH both decided to file for review petition on 17th November 2019 against Ayodhya verdict and they were not satisfying alternative piece of land for Mosque. Majority of Muslims of India were feeling that this decision was made only appeasing to the Hindu community of Uttar Pradesh, as well as this verdict revealed that how RSS had made definite involvement & influence in most of affairs of major Institutions of India (Petersen, 2019).

4.3 Impacts of CAB on the Muslims of Assam and Response of Indian Society

Assam is complex multi ethnic and second largest Muslim population state after Indian administrative Kashmir. Around thirty two million Muslim populations are residing in this northeast State of India. State of Assam shares about 900 KM boundary with Bangladesh. A large number of Bangladeshi Hindu & Muslims enter in India every year from Bangladesh through Assam border due to religious persecution as well as better jobs opportunities. Nearly ten million illegal foreigners have been residing in Assam since 1971.

An anti foreigner protest was made by the indigenous Assamese student union in 1980 that turned into communal riots, in which more than six hundred people killed in only Assam during six year (Das, 2016). In 1985, a pact was signed between the Indian government and protesters in which migrants who entered in India illegally after 24 March 1971 would be detained & deport from India as well as clause five of this accord would impose which dealt the right of vote of migrants. NRC is the constitutional chain of 1985 pact and state citizen bill 1955, which had updating from 1985 to 2019 in different times and governments.

CAB was passed by the Parliament of India on 11th December 2019 which was updating of state citizen act. Soon after massive violent protests out broke particularly in Tripura, Assam and different parts of seven north east states of India which adjoin border with China, Bangladesh and Myanmar. Recent amendment in Citizen Bill was relating to the illegal migrants from Bangladesh, Pakistan and Afghanistan which made fear for the local community that this update would change its majority status into minority in its native soil including this amendment would manipulate the culture, history and language identities (Guppta, 2019).

Timung Arleng a young activist in Assam stated “The Citizenship Amendment Bill is possibly to curtail the continuity of languages, cultures including economic well-being of the Indigenous Peoples of Assam and the northeast” further he said “If the government of India grants residency to foreign migrants irrespective of religion, race, or culture, it will cause effects not only on the political rights but also the cultural and land rights of the majority of local populations in Assam as the commandment motivates more migration from other countries” (Sunuwar, 2020). While on the other hand Muslim community of India was protesting on the NRC in which more than two million migrants of Assam and northeastern states were considering illegal and they would sent to detention centre. This registration process was not only affecting the illiterate community but it also equally affected to the families of politicians and retired army personals who had served for India since many decades in different settings.

The Indian Union Muslim league challenged CAB in Supreme Court on 12th December 2019 and Party petitioned in court to make the status of citizen bill null & void. The Petitioner made plea against this bill, it has violated the article 14 in Indian constitution which gives fundamental rights, equality and right of life while particular community and group cannot facilitate or privilege on ethnic or religious base by making any contentious amendment. Recent amendment in CAB has directly challenged the core values of secular constitution. Supreme Court accepted this case for further hearing. On 22nd January 2020 the SC ordered to the government of BJP to submit written reply next four weeks on the defense of the sixty petitions file against citizen amendment bill while a constitutional bench was made in which three judges including chief justice S.A Bobde would deal the constitutional sensitivity of the bill (Sunuwar, 2020). Massive protests held in India against ambivalence update in citizen bill since it came into force. This bill was affecting from 10th January 2020 while the next hearing in SC would be in the end of February.

Protests against this bill are held in different cities of India as Delhi, Kolkata, Mumbai, Jaipur, Hyderabad and Bangalore while small protest rallies are in South India States. Capital city of Delhi people are protecting against the discrimination of the Muslim community. Protesters believe that this bill is targeting the cultural and religious harmony in the society of India and it violate the essence of secular Indian constitution while Protesters are demanding to overturn this contentious bill that may renew the declaration their identity as an Indian Muslim. This contentious bill was challenged legally by the Indian national congress and it adored that it would create communal tensions while many states of India where BJP was not ruling on state level as Madhya Pradesh, West Bengal, Punjab, Karla, Rajasthan and union territories were opposing to implement CAA-NRC law. On the other hand central government claimed that this law under the union list of 7th schedule of the Indian Constitution and it cannot reject by any state and it would implement only in the state of Assam. SC declined to improvise this bill until the final verdict of the court.

5 Conclusions

Religious sadism includes acts of aggression & suppression under secular constitution committed by followers of one majority religious group against followers and institutions of minority religious group which begets communal riots in multi ethno-religious society (Naim, 2008). Government of BJP since 2014 seems to legitimize the India for belligerent groups, these Hindu groups are targeting the religious minorities and their atrocities are rising consistently to replace secular state into spiritual state. Government of BJP has been making many controversial steps since its victory in the elections of 2019 and all these constitutional steps have been taken in haste. Although the government of Modi is moving confidently to improvise its hindutava ideology and making all possible steps to target the Muslim community yet its consequences may long lasting effects on the India secular society including these may create different challenges in coming days for BJP. Government of BJP is showing the positive face of these updates as annulment of the special status of Kashmir and improvises the NRC-CAA while it seems it is the part of Hindu Nationalism and these all constitutional measures have been taking to marginalize the Muslim community as well as these amendments will change the Muslim majority into minority in selected parts & states of India. Implications of BJP government to abrogate the article 370-35A may achieve political favor from majority Hindu community in India while Central government may try to prove that Kashmir’s Issue is an internal matter of India. Impacts on India may highly risk of civilian turbulence, communal riots as well as it is possible chance of internationalization of disputed territory of Jammu and Kashmir between India, China and Pakistan. These laws will create many confusions & drawbacks. According to CAA bill, people of minorities from Pakistan, Bangladesh and

Afghanistan if they are persecuted in their countries, they could be entered in India without documents while NRC bill will allow to Indian authorities to deport or detain the Muslim migrants from Bangladesh who have been living in Assam since decades. It is presenting the double standard of BJP government as well as government of BJP is violating the rules of international human rights and it is trying to manipulate core values of Indian secular constitution. It is difficult for the Indian secular class to digest these bitter constitutional capsules that may possible to beget communal tensions and uncertainty in State & society. These constitutional developments are indicating the influence of theocratic values on the state institutions & affairs. Recent amendments in 2019 have started the decomposing process of secular society and it may birth different violent groups and responsible of division of society which will directly challenge the integrity of India.

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