

Confiscation vs Return of Property of Religious Minorities in Pakistan, India, and Bangladesh

Shivani Patel

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Introduction

The property acts in Pakistan, India, and Bangladesh are one of the numerous discriminatory policies in South Asia that deepen the decades-long religious conflict between Hindus and Muslims. These policies were passed and implemented in response to the India-Pakistan war in 1965, which set off the migration of religious minorities between each country, while the governments amassed all of the left behind property. These are Pakistan's Enemy Property Act of 1965, India's Enemy Property Act of 1968, and Bangladesh's Vested Property Act of 1971. In contrast to the two other countries, Bangladesh repealed its policy to the Vested Property Return Act of 2001 and the Vested Property Return (Amendment) Act of 2011, which returned the confiscated property of Hindu migrants. Bangladesh's repealment of the Vested Property Act is the variation in this research, as it is the only country in the region that is moving to alleviate the religious discrimination in the country.

The puzzling outcome is that Bangladesh and Pakistan, which should have turned out similarly, do not maintain the same policy, whereas India and Pakistan, which are warring countries, end with the same outcome of upholding their property acts. Considering the variation in these policies, I ask: why did Bangladesh repeal its Vested Property Act, while India and Pakistan upheld their original Enemy Property Acts? My research illustrates that the degree of ethnic nationalism in a country determines the repealment of the property acts. I argue that the higher the ethnic nationalism in a country, the more likely it is to uphold the property act to maintain the discrimination of individuals outside of the ethnic in-group, while the lower the ethnic nationalism in a country, the less likely it is to uphold it and will instead repeal it. It is now evident that Bangladesh decided to repeal its property act because it has a lower degree of ethnic nationalism, which means that the country is not inclined to persecute or dismiss its religious

minorities. Conversely, India and Pakistan maintain their property acts because they have a higher degree of ethnic nationalism that supports religious discrimination.

Pakistan, India, and Bangladesh are an intriguing collection because they are still plagued with religious conflict in a world that already moved to secularism. These countries are ideal cases to justifiably compare to one another because they have undergone extreme religious conflict since the British colonization of the region and continue to discriminate against religious minorities without preventing violence or providing reparations.

	Pakistan	India	Bangladesh
Regime Type	Federal Parliamentary Republic	Federal Parliamentary Republic	Federal Parliamentary Republic
Party In Power	Pakistan Tehreek-e-Insaf (PTI)	Bharatiya Janata Party (BJP)	Awami League (AL)
Economy	GDP = \$314.6 billion	GDP = \$2.719 trillion	GDP = \$274 billion
Ethnicity	Punjabis Pashtuns Sindhis	Indo-Aryans Dravidians Mongoloids	Bengali
Religions	97% Muslims Remainder = Christians, Hindus	94% Hindus Remainder = Muslims, Christians, Sikhs, Buddhists, Jains	89% Muslim 10% Hindus Remainder = Christians, Buddhists

Figure 1: Mill's Method of Difference (globaledge.msu.edu)

The similarities that exist between all three cases are that they have the same governmental structure, experienced the same colonization history, and came from the same country before splitting into three. Currently, the ruling party in Bangladesh is the only one that proposes secular beliefs, whereas the ruling parties in India and Pakistan both support religious nationalism. Pakistan and Bangladesh are the two similar countries, as they have roughly similar

economies and religious makeup, with Muslims being the majority; in contrast, India's economy is much larger and has a Hindu majority. All three of these countries should have turned out more similarly than they did because they engaged in war with each other (Bangladesh as West Pakistan) as a result of their ongoing religious tensions; more specifically, Pakistan and Bangladesh should have turned out even more similarly than they did because they hold the same socio-political and economic climates. However, it is unexpected that Bangladesh decided to repeal their property act, while Pakistan did not. Even more unexpected is that Pakistan ended with a similar outcome as India of keeping their property acts, even though those two countries are completely different, especially in terms of its religious groups.

The property acts are a significant topic of research because they exemplify the manner in which countries implement religiously discriminatory policies and relate to the "real world" problem of religious persecution. It is interesting that even though discriminatory and nationalistic policies are falling out of favor around the world, these property acts are still present in South Asia. Even though both India and Pakistan say they assert political recognition of individuals of all religions in their constitutions, they infringe on the rights of religious minorities prolong social exclusion. Bangladesh's decision to repeal the property act is interesting because it works toward social inclusion by ameliorating the religious issues and providing restoration of the religious minorities' property. As a result, the Bangladeshi government recognizes the rights of the religious minorities in their countries and is not committing violations against the basic rights of its citizens.

This research will help to answer the theoretical question about ideologies in the study of policy making and social exclusion. Foremost, religious ideologies significantly influence policy goals in countries with a high degree of ethnic nationalism because policy makers choose to

enact policies that align with their own religious values, as well as those of their citizens in the majority religious group. This research will help to understand how ethnic nationalism determines whether these religiously discriminatory policies are passed or repealed because it will examine the sociopolitical factors that contribute to social exclusion versus inclusion on the basis of religion. Some concepts of concern in this study include colonialism, religious conflict, prejudice, nationalist political parties, and migration, which all affect policy making or unmaking.

In the following research, I introduce the dependent variable, which is the decision of repealing or not repealing the property act, and also detail the provisions in the policies. After discussing the theoretical literature surrounding this topic and other possible lines of argument, I illustrate that the degree of ethnic nationalism is the most significant factor in explaining a country's decision to repeal its property act. I outline the numerous moments that the legislatures of each country discussed repealment or amendments and employ five indicators of ethnic nationalism to prove its existence or lack thereof in the three cases. I conclude with a discussion of the limitations in my study and leave with a series of thoughtful questions beyond this paper.

Repealment of the Property Act

The dependent variable of this research is the decision of the Pakistani, Indian, and Bangladeshi governments to repeal or not repeal the property acts of their country. These property acts declare that the governments of each country can confiscate certain property from migrating individuals of specific religions and nationalities that are suspected of being "enemies" to the country. When an "enemy" of the state abandons property and migrates to an "enemy" state, the home state views it as the state's interest to hold onto that property. More specifically, these are Pakistan's Enemy Property Act of 1965, India's Enemy Property Act of 1968, and

Bangladesh's Vested Property Act of 1974. The provisions in these policies are all similar, but the variation lies with Bangladesh, which repealed the act and allowed for those religious minorities to reclaim their confiscated property. About 406,667 acres of land was confiscated from the Bangladeshi Hindus (Panday 2016), Hindus and Sikhs left behind 38.1 billion rupees worth of property in Pakistan (Chattha 2012), and Muslims left behind 3.8 billion rupees worth of property in India (Chattha 2012). Nevertheless, it is difficult to determine the amount of property confiscated from each group, as it ranges from physical belongings like land and jewelry to intangible items like investments, which is also unfeasible to try to equate the loss of square footage of land to the monetary amount of jewelry.

It is important to note the issue of international relations in this study, as these countries are not separate cases, but are intrinsically tied together in terms of their policy measures. These three cases all originated from the Indian subcontinent and although they are their own sovereign countries, the decisions that one country makes impacts the other two, which includes conflicts about land and citizens in the countries. In terms of the property act, the targets are "enemy" countries and its citizens, which reinforces the international entanglement of these countries; for example, "Muslims residing in India were given exemption from this Order. Such exemption made the Hindus "the enemy" of the state from the very inception of this legislation" (Panday 2016, 384). As a consequence, it became a complicated issue about religion that first formed in the Indian subcontinent, yet still reaches across boundaries today.

Country	Policy / Year Enacted	Targets / Opposed Country	Types of Confiscated Property
Pakistan	Enemy Property Act (1965)	Hindus and Sikhs from India	all movable and immovable assets, including agricultural property, except for shares, stocks, or any other marketable investments

India	Enemy Property Act (1968)	Muslims from Bangladesh and Pakistan	Identical to Pakistan's policy
Bangladesh	Vested Property Act (1974)	Hindus and Sikhs from India	Identical to Pakistan's policy

Figure 2: The Property Acts (Chaudhri 1957)

The term “enemy” refers to “any country or their residents who performed external Belligerence” (Kharuna 2019), to the home country. The term ‘enemy property’ alludes to the assets of migrating individuals that are considered to be anti-nationals to the country that they live in, while suspected to be supporting the opposing country; however, this has evolved to mean the religious minorities of the country. Despite the ceasefire, Pakistan and India remained “enemies” and upheld these policies to continue the property confiscation. Then, once Bangladesh gained independence from Pakistan, they renamed the policy to “vested property” which referred to the same migrating anti-nationalists. Interestingly, the variation lies in Bangladesh, which became more inclusive when it repealed its discriminatory act and reinstated the rights of its citizens by allowing them to reclaim their belongings.

Following the India-Pakistan war, Pakistan passed the Enemy Property Act of 1965, which states that the Custodian of Enemy Property in Pakistan holds the power to confiscate the property of individuals that either migrated to or are suspected of supporting India, which primarily targeted Hindus and Sikhs. The property authorized for confiscation includes all movable and immovable assets except for shares, stocks, or any other marketable investments, which parallels the property listed for confiscation in India’s and Bangladesh’s acts as well. Before passing the property act, President Mohammad Ayub Khan enacted the Defense of Pakistan Ordinance on September 6th, 1965, under Order XXIII of 1965, for the purpose of ensuring the security and safety of Pakistan by allowing trials of offenses against the state; this

ordinance discusses the matter of the “enemy,” as it prohibits the assistance of, communication with, and contributions to the “enemy,” and also prefaces the Enemy Property Act because it allows for the confiscation and management of “enemy” property (Panday 2016). Thereafter, the government was able to enact the Enemy Property Act of 1965 through the precedent of the Defense of Pakistan Ordinance. Through these provisions, India was referred to as the “enemy” state, which gave the Custodian of Enemy Property jurisdiction over India citizens or nationalists (Panday 2016). These policies were a result of the Muslim League’s government that took the opportunity of enacting the Enemy Property Act to carry out their land reforms (Panday 2016). They sought for the retribution of the Permanent Land Settlement Act of 1793 during British rule that allocated Pakistani land to Hindu zamindars; by passing the Enemy Property Act, not only was Pakistan able to clean up after Hindu migration, but also gain access to the Hindu lands that could be transferred to the Muslim landowning peasants.

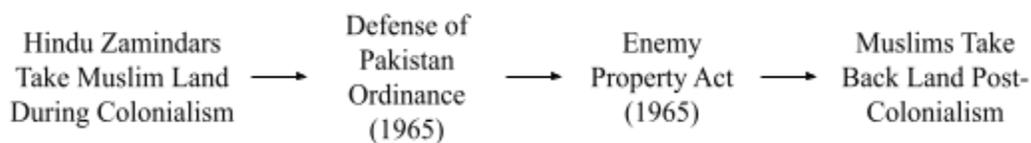


Figure 3: History of Pakistan’s Enemy Property Act (1965)

In conjunction with Pakistan, India passed the Enemy Property Act of 1968, which states that the Custodian of Enemy Property in India can confiscate the property of individuals that either migrated to or are suspected of supporting Pakistan, which targeted the Muslim population. Similar to Pakistan, India established its Defense of India Act in 1939 after World War II and established its Custodian of Enemy Property. The Custodian was responsible for confiscating property after the country’s war with China in 1962 and with Pakistan in 1965 and 1971 (Mishra 2019). Once the war ended, the Defense of India Rules were discontinued (Doval 2017), but the government enacted the Enemy Property Act of 1968 to continue confiscating

property. Furthermore, India heightened its property act in 2017 when the Lok Sabha enacted the Enemy Property (Amendment and Validation) Bill in 2016, which expanded the term “enemy” to include heirs of an “enemy” (Singh 2018). While the original Enemy Property Act of 1968 did not include citizens of India, this new act includes citizens of India who are heirs (Doval 2017), to make sure that the confiscated property remains with the Custodian. This new policy under the government of the BJP is more extreme in discriminating against religious minorities because it denies their citizenship on the basis of descending from a migrating Muslim.

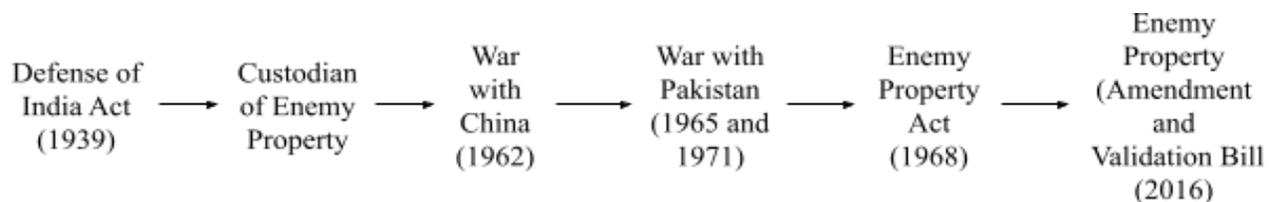


Figure 4: History of India's Enemy Property Act (1968)

Post-independence Bangladesh adopted Pakistan's Enemy Property Act according to the Laws of Continuance Enforcement Order of 1971 that instructed the country to retain all Pakistani laws that were established prior to March 25, 1971, but renamed it to the Vested Property Act in 1974. After Pakistan enacted its Enemy Property Act, it implemented the East Pakistan Enemy Property (Lands and Buildings) Administration and Disposal Order of 1966 under Rule 182(1) of the Defense of Pakistan Rule, which allowed the Custodian to confiscate the property in the East Pakistan territory (Panday 2016). Then, the President of Pakistan enacted the Enemy Property (Continuance of Emergency Provisions) Ordinance in 1969 to continue the Defense of Pakistan Rules for East Pakistan, but was discontinued after Bangladesh's independence.

The variation in this study lies with each of the country's perception of the property acts, in regards to whether the countries maintain enmity towards the ethnic minorities of the opposing country. The term “enemy” is suitable for the warring relations between Pakistan and India

because they view each other as “enemies,” which justifies their maintenance of the property acts to contest the power of the other country. In contrast, there is no “enemy,” for Bangladesh because the country was forced to adopt the property act when it was under West Pakistan’s dominion, but did not harbor enmity towards India in the way that West Pakistan did. Surprisingly, when Bangladesh gained independence, Pakistan became the “enemy,” whereas “people living in India in no way could be considered enemies of the new state” (Panday 2016, 385). Thereafter, Bangladesh perceived the Vested Property Act as a contradiction to their relationship with India and its Hindu citizens when it became allies with India through the mutual “enemy” of Pakistan.

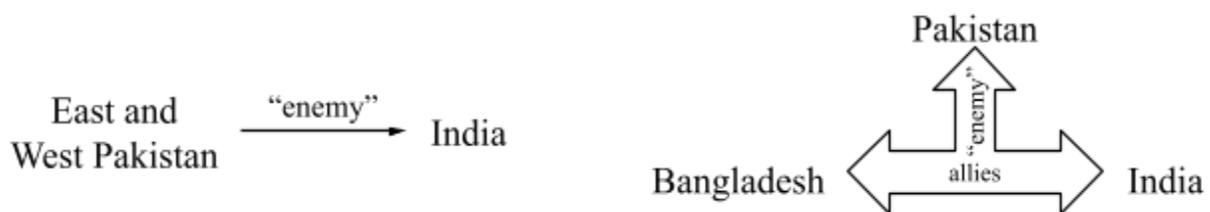


Figure 5: The “Enemy” Situation

Decades later, after numerous ordinances of trying to repeal and implement the policy, the country finally repealed its original act to the Vested Property (Return) Act of 2001, which published a vested properties list that is eligible for restoration if affected migrants file applications. In 2001, the Awami League needed the support of its Hindu citizens in the election, which inspired them to enact the Vested Property Return Act in their last days in office (Oikya 2017). However, the Bangladesh Nationalist Party (BNP) came into power in 2002 and amended the policy by allowing the government unlimited time to publish the list of vested properties (Oikya 2017). However, this repealment was flawed, which led to the Vested Property Return (Amendment) Act of 2011, which created two schedules: the ‘Ka’ schedule includes property that is under the government’s control and is eligible for restoration, while the ‘Kha’ schedule

includes property under another's control and is not eligible for restoration (Islam and Rahman). Nevertheless, when the Awami League came into power again in 2011, it enacted the Vested Property Return (Amendment) Act to undo the BNP's amendments. Bangladesh's repealment of the property act is the site of the puzzle in this study, as it is surprising that the other two cases did not, even though Bangladesh and Pakistan are similar and even though India's constitution promotes secularism.

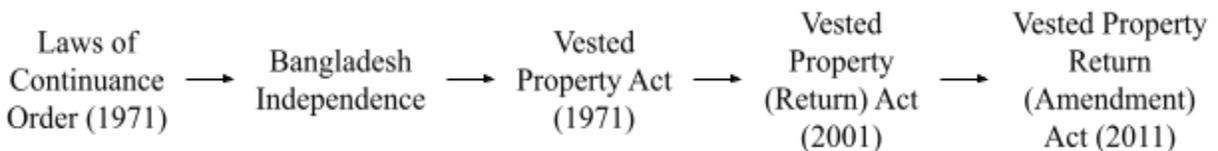


Figure 6: History of Bangladesh's Vested Property Act (1971)

There are four characteristics that distinguish Pakistani, Indian and Bangladeshi property acts, which are:

1. The adoption of the property acts after the migration following the India-Pakistan war
2. The confiscation (executed by the government) of certain properties only after those individuals migrate
3. The target population being anti-nationals, yet significantly discriminating against religious minorities
4. The repealment (or no repealment) of the property acts to return confiscated property

For the first indicator, the Vested Property Act of 1974 and the Enemy Property Act of 1965 were implemented after the Hindus and Sikhs left Bangladesh and Pakistan, respectively, whereas the Enemy Property Act of 1968 was implemented after the Muslims left India. For the second indicator, Bangladesh and Pakistan confiscated the property of migrating Hindus and Sikhs, while India confiscated the property of migrating Muslims. For the third indicator, while these policies overtly declare that they only confiscate the property of anti-nationals, they

covertly discriminate against religious groups. For the fourth indicator, the puzzle is that Bangladesh is the only country that decided to repeal its discriminatory policy, while India and Pakistan did not implement any repeals. This dependent variable is measured in terms of whether or not Pakistan, India, or Bangladesh repealed their property act. Evidently, the property acts are a case of religious discrimination because they abuse the rights of citizens by stripping them of their belongings on the basis of their chosen faith. These policies are classified under other religiously discriminatory policies, such as the Partition between the countries, the Citizenship Amendment Act in India, and the National Register of Citizens, among others that fuel religious tensions in South Asia.

Competing Hypotheses

Why is Southern Asia still plagued with religious conflict years after independence and the war? What explains the numerous policies that discriminate against certain religious groups? Why is Bangladesh the one outlier in this region for moving toward religious inclusion by repealing its property act? There are three perspectives that propose explanations to this puzzle.

Institutions Perspective

According to Bleich (2009) and Steinmo (1989), the institutions perspective explains that prior policies and customs influence current policy making by leaving a precedent to build future policies off of. In South Asia, there is a significant continuous chain of religious policies that stems from the period of British colonization that imparted a socio-political divide between Hindus and Muslims, which demonstrates that the property acts followed from a series of discriminatory policies. The institutions that the British introduced in this region created political, social, economic, and geographic issues that all led to religious disharmony. First, the British constructed the geographic separation when they split West Pakistan (now Pakistan) and

East Pakistan (now Bangladesh) from India for their divide and rule policy (Tharoor 2017). In conjunction with that, the British created political conflict with the Indian Councils Act of 1909, which increased the participation of Indians in government, whereas the Muslim population received a separate electorate (Ilbert 1911). While the British approached the Hindus through cooperation, by providing education and positions in government, the Muslims suffered from poverty. The Permanent Land Settlement Act of 1793 furthered economic issues because it formed a new class of Hindus, called zamindars who could own land, while it overcharged the Muslim land-owning peasantry (Belkacem 2007). Thereafter, with all of these policies, “The seeds of division were sown, to prevent a unified nationalist movement that could overthrow the British” (Tharoor 2017). It is evident that British colonialism set up a legacy of institutions that made sure that the Hindu and Muslim communities would remain divided to ensure the British Raj could not be overthrown.

In addition to oppressing the religious minorities, the British policies also engendered a sense of communalism and solidarity among members of religious groups that carried on after independence up to the religious conflict that exists in contemporary South Asia. The property acts in each of these countries are supplementary laws to the migration in South Asia because it picked up all of the belongings that the migrants left behind to make sure that their identities were erased from those countries. However, this perspective does not account for the variation of Bangladesh because even though it was deeply affected by British colonialism, it chose to repeal the law despite its precedents. It is possible that the two independences that Bangladesh experienced may have given the country a chance to break away from this legacy. Regardless, the institutions perspective does not satisfy the question of this study because although it

explains why religious conflict takes place and the reason why the countries adopted the property acts, it does not explain why Bangladesh repealed its property act.

Ideologies Perspective

According to Bleich (2009), the power-interest perspective explains that political actors determine the policy outcomes that further their own objectives. This relates to the ideologies perspectives because the parties in power in each country passed and repealed these policies in order to align with their own religious ideologies and their citizens of the same religion. At the time of passage of the property acts, Pakistan and India were in support of the prevailing religions in their countries. In Pakistan, the Muslim League was in power, which was in support of Islam and pushed for Pakistan's separation from India after colonialism. Even now, the PTI maintains identical religious views against the Hindus, which demonstrates their ideological reluctance to repeal the policy (Wright 1966). Similarly, even though India's Congress professed secularism in their constitution, the Indian National Congress was in support of Hinduism despite covering as a secular party (Mallick 2013). Today, the BJP is moving farther from secular sentiments by openly supporting Hinduism and enacting strict religious policies, such as the Citizenship Amendment Act that discriminates against Muslims.

In contrast, the Awami League in Bangladesh was in favor of secularism, as it renamed the property act and enacted numerous ordinances to try to repeal the act. The only reason it adopted the Vested Property Act was because they transferred all of Pakistan's policies to the Bangladeshi government after independence, but revised the Enemy Property Act because it did not view Indian Hindus as the "enemy." Currently, the Awami League still supports secularism, which influenced them to repeal the Vested Property Act in both 2001 and 2011. This perspective demonstrates that the Awami League supported the repealment of the property acts because they

currently maintain secular ideologies, whereas the religious nationalist parties in Pakistan and India support their maintenance. Although the ideologies perspective explains the reason the countries passed the property acts and accounts for the variation of Bangladesh when it repealed its policy, it does not clarify the origins or the continued existence of these religious ideologies that permeate policy making.

Rational Choice Perspective

According to Panday (2016), the governments of South Asia played political games with the religious minorities in order to exploit the land from them, which falls under the rational choice theory. He explains that political games are essentially political moves that the government undertook for land grabbing (Panday 2016). Having access to the confiscated property is beneficial to the countries because their governments retain access to the land and buildings that the migrants could not take with them when they migrated. The property that the government confiscated gives the country better use of those lands and buildings to build schools, hospitals, and other such facilities (Panday 2016). As a result, these property reform measures benefited individuals from the majority religion because they gained access to more public facilities. In India and Pakistan, the governments still retain a hold on all of the property that the migrants left behind and there is no possibility to file claims to receive their belongings because that property has already been remodeled.

However, this perspective explains the case of Bangladesh differently because their rational choice does not depend on economic gains. While the government once executed the same confiscation of property when it was West Pakistan, its numerous measures to repeal the property act demonstrates that the rational choice was to end the persecution of religious minorities in their country and offer them political representation by moving toward secularism.

The primary reason Bangladesh delayed the repeal was because the government could not return the remodeled property after it was confiscated, which was also a difficult measure after enacting the Vested Property Return Act (Panday 2016). Although the rational choice perspective explains the purpose of Panday's political games in terms of economic benefits, it does not explain the reason these countries continued religious persecution even after these policies were passed.

The Argument - Ethnic Nationalism

The independent variable in this study is the intensity of ethnic nationalism within a country. Ethnic nationalism is defined as the identification with and support for one's country based on a shared ethnicity, which includes language, culture, religion, and other traditions. This form of nationalism is exclusive in nature by virtue of identity and heritage, which determines one's belonging in a country. Roshwald states that ethnic nationalism indicates "the assertion of a collective identity centered around a myth of common biological descent - an extension of the kinship principle to a large population - and, as its corollary, a claim to territorial sovereignty" (Roshwald 2001, 5). His definition explains that the common identity of the people stems from the belief of a common ancestry of the majority population that is "united by ties of blood" (Muller 2008, 20), which dictates their right to the land that they occupy. This type of nationalism defines one's membership and nationality based on *jus sanguinis*, which depends on descent (Muller 2008).

Furthermore, Reeskens and Wrights state that it creates "boundaries between "us" and "them," [and] the nature of these boundaries reflects opposing values. Ethnic nationalism encourages xenophobia and suppresses both trust and associational involvement; thus, it reflects self-enhancement values, especially of power" (Reeskens and Wright 2011, 1460). Ethnic nationalism is a force that engenders antagonistic divisions between various ethnic groups, which

issues from contrasting values. As a result, it causes xenophobia, ethnocentrism, and bigotry, which does not allow for coexistence among various groups and only allows the prevailing ethnic group to retain authority. These definitions of ethnic nationalism come from authors, such as Muller, Roshwald, Reeskens, and Wright, who all study the role of ethnic nationalism in creating in-groups that benefit and out-groups that are excluded in the political arena.

There are three characteristics that distinguish ethnic nationalism, which are:

1. A given state will be occupied by a prevailing ethnic group, based on the shared identity of language, culture, religion, ancestry, and/or other traits (the country may come close to ethnic homogeneity)
2. The prevailing ethnic group holds feelings of solidarity with individuals of common identity and enmity toward individuals of opposing identities, which privileges the former while discriminating against the latter (“us” and “them” complex (Reeskens and Wright 2011))
3. An ethnic group only becomes nationalist when it demands authority over the state and dominates politics to further their own values

Ethnic nationalism is a modern construction that has been culturally developed after conflict, so it is measured in abstract terms; it is evident by looking at the ways that it manifests in the political sphere, which includes focusing on an “us” versus “them” complex. The operationalization of ethnic nationalism builds upon the work of John A. Webster (1994), who was one of the first researchers to measure indicators of ethnic nationalism. While he bases his study off of other authors, Webster was the first to quantify ethnic nationalism and its degree in his cases. This study employs a history of colonialism, a timeline of policies, and five indicators to trace the existence of ethnic nationalism in each case.

The first indicator, migratory patterns, examines whether individuals experience the consequences of ethnic nationalism, as non-natives are expected to migrate. Usually, people immigrate to the country where they feel included and united with other citizens, while they emigrate from the country where they feel ethnically excluded and persecuted. This is measured through demographic changes of the population over time to determine how many ethnic minorities leave after experiencing exclusion. When there are more ethnic minorities migrating, countries will not repeal the property act because it is the interest of the country to maintain a hold on “enemy” property. The second indicator is citizenship laws, which “legitimizes policies aimed at ethnic purification and increased exclusive control over the homeland” (Webster 1994). Ethnic nationalism is evident in the manner in which the country defines citizenship, as it may only grant it to individuals of the prevailing ethnic group to maintain ethnic homogeneity. This is measured by analyzing whether individuals of certain identities can gain citizenship more easily than non-natives, who may face ethnic exclusion in the immigration process.

The third indicator is election results, which presents the interests of the public, as it displays their ideologies and expresses their solidarity. As ethnic nationalism increases, the public begins to elect representatives that resemble their background and can further their ethnic objectives. As a consequence, there would be lower representation of ethnic minorities because they would not be elected into office and would not be able to address their grievances. When the electoral body consists of members from the prevailing ethnic group and supports ethnic nationalism, there is a greater chance that the representatives and their supporters will not support the repealment of the property acts. The electoral results are measured by looking at the demographics of the electoral body, in terms of their ethnic background, party affiliation, and

ideologies, as well as check the terms that certain parties were in office to gauge the types of policies that they passed or repealed.

The fourth indicator of statements from political leaders illuminate the politics during the time of passage and repealment of the property acts. If political leaders that are elected by the public are vocal about supporting ethnic nationalism, there is a greater chance they will not repeal its property act. In contrast, if political leaders make statements that defend the religious minorities and deny ethnic nationalism, they are more likely to repeal its property act. Likewise, the fifth indicator of public opinion illuminates whether the majority of the population champions ethnic nationalism by analyzing their perception of the religious minorities. If public opinion is negative regarding the religious minorities, there is a lesser chance that the government will repeal its property act. However, if public opinion is neutral or positive regarding the religious minorities, the government is more likely to repeal its property act. Both of these indicators are measured by looking at speeches, interviews, newspaper articles, polls, and other such personal accounts.

Greater ethnic nationalism causes the adoption and maintenance of property acts because it is a force that persecutes those who are not a member of the ethnic in-group. There is a heightened sense of exclusion, as it is a “source of both solidarity and enmity” (Muller 2008, 35). When there is high ethnic nationalism in a country, there is a higher sense of solidarity among members of the prevailing ethnic group, as well as a higher sense of enmity toward ethnic minorities that maintain opposing beliefs. As a consequence, the country’s government is more likely to be dominated by members of the prevailing ethnic group, which means that enacted policies will benefit those members in the name of solidarity and discriminate against those perceived as enemies to the state (Muller 2008). They will work toward ethnic homogeneity and

maintain a unified identity to define their nation, while opposing ethnic diversity because it threatens their omnipresence.

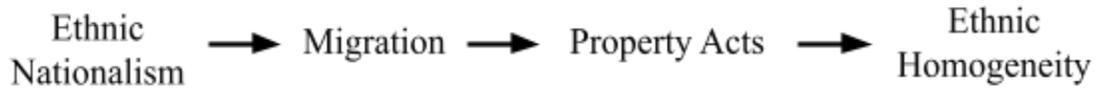


Figure 7: How Ethnic Nationalism Causes the Property Acts

A higher degree of ethnic nationalism does not cause the repealment of the property acts because a country with ethnic divisions is more inclined to continue the oppression of ethnic minorities. When there is ethnic conflict and the country chooses to capitalize on ethnic nationalism, religious minorities will migrate to their native lands. The government then supplements the migration by confiscating their property to erase their population and any traces left behind from the country. Even after passage and confiscation, if the country still perceives ethnic minorities and their homeland as the “enemy,” it is more likely to maintain a hold on the confiscated property. Conversely, a lower degree of ethnic nationalism causes the repealment of the property acts because the various ethnic groups are able to coexist without discrimination when the country’s agenda focuses on secularism. Even if the country once adopted the property act, if there the country does not perceive any of its religious minorities as the “enemy,” there is no incentive to push them out of the country or confiscate their property. As a result, without any discriminatory or exclusive sentiments, the country will repeal its property act because they do not have an interest in holding the property of religious minorities.



Figure 8: Cause and Effect

The theoretical literature that is crucial to know in order to understand this argument concerns case studies of countries that are known for maintaining a high degree of ethnic nationalism and its consequences. Ethnic nationalism is a relatively popular independent variable, as it is most often cited in coordination with civic nationalism. There are numerous studies that discuss the role of ethnic nationalism in state-building throughout history, which ranges from countries like the United States to South Africa, no matter the political institutions. Some theorists that have been the most important in the discussion of ethnic nationalism leading to the enactment of discriminatory policies include, Connor who writes about European countries, Gagnon who writes about Serbia, Robinson who writes about African countries, and Tharsen who writes about Germany. All of these authors provide a framework for studying ethnic nationalism in their cases, as well as its effect on the political institutions of the country and societal relations among ethnic groups. While none of these authors write about the adoption or repealment of the property acts, my argument presented in this study will build upon their foundation by providing an additional consequence of ethnic nationalism and apply it to another region. I will illustrate how religion influences state-building and serves to persecute minorities in South Asia, as higher religious ties of a country lead to higher chances of discrimination. This study employs a similar methodology of these theoretical works to answer a different research question.

The Evidence

Evidently, India and Pakistan did not repeal their property acts because there are high levels in ethnic nationalism in both countries. These two countries are rife with religious conflict between the Hindus and Muslims, ever since the partition. Both the Hindu and Muslim groups believed that they required separate territories after the Indo-Pakistan war to maintain the

salience of their ethnic groups and hold a government that furthers their objectives (Bhargava 19). As a consequence, there is a heightened sense of ethnic belonging in these countries that stems from the integrity of ancestral ties. These countries are unrestrained with their political domination of and communal violence toward ethnic minorities, which warrants their interest in upholding their discriminatory policies. While the Indian Hindus perceive Pakistani Muslims as the “enemy,” the latter perceives the former as the “enemy.” These two countries did not yet repeal their property acts because they benefit in driving out its religious minorities and holding onto their left-behind property to ensure ethnic solidarity and homogeneity of their homelands.

Conversely, Bangladesh decided to repeal its Vested Property Act because there is a low level of ethnic nationalism in the country. There are no extreme ethnic tensions, xenophobia, or ancestral emphasis, as the Hindus and Muslims live in harmony without facing much persecution or violence from neither the government nor the Muslim majority. Since the Muslim community does not harbor a strong sense of ethnic solidarity, the country does not perceive Indian Hindus and Sikhs to be the “enemy” and does not work to push them out of the country. Without an interest in displacing the religious minorities, Bangladesh repealed its property act to promote amity and secularism.

A Short Note on Historical Roots

It is essential to first evaluate the history of South Asia to trace the origins of religious tensions because the British forces introduced conflicts between these religious groups by implementing numerous discriminatory policies, while the legacy of colonialism entrenched ethnic nationalism. Ethnic nationalism is a modern occurrence that increased as the British colonists constructed a political culture that taught Hindus, Muslims, and Sikhs to split. The way that the British shaped conflict in South Asia is indicative of the current uncooperative

Hindu-Muslim relationship. The destructive third-party presence established a segregated society that capitalizes on the political encroachment of ethnic minorities. Prior to the arrival of the British, the Indian subcontinent housed all three ethnic groups that engaged in common practices, but the British split the region into India, East Pakistan, and West Pakistan to accomplish their divide-and-rule strategy (Bhargava 17).



Figure 9: The Influence of British Colonialism on Ethnic Nationalism

British colonialism created religious rifts in society by enacting a number of discriminatory policies, such as the Indian Councils Act of 1909, which gave the Muslims a separate electorate, and the Permanent Land Settlement Act of 1793, which gave land to Hindu zamindars and charged the Muslims (Panday 390). During this period, ethnic nationalism started to itself when the British offered the Hindus privileges, while the Muslim population suffered in poverty. Ethnic nationalism was made possible because the Hindus did not challenge these policies, as they “took advantage of the education and liberal ideas brought by the British... with an eagerness to learn from them whatever would contribute to their advancement” (Belkacem 2007, 32). Their political and educational opportunities allocated them a higher status in society, which later translated to ethnic nationalism by believing in the Hindu superiority over the Muslim minority. During British rule, a Western education was the path to a seat in government, yet the Muslims rejected their education; as a consequence, the British framed the Muslim’s refusal to submit to their institutions as a “backwardness” (Belkacem 2007, 36), on their part. Moreover, Bhargava (2004) explains that the British first roused a significance on Hinduism as the “Indian religion” (Bhargava 2004, 18), which framed the subcontinent as a land of Hindus,

and then imposed those discourses into their institutions. Second, they pressured the citizens to choose a “communal identity” (Bhargava 2004, 18), which influenced the population to choose between their religions to form homogeneity. Third, they politicized these identities by implementing laws that created distinctions and divided representation in government.

After independence, India upheld these institutions, which furthered the religious divisions until the Indo-Pakistan war that established the sovereignty of Pakistan. The religious minorities did not wish to relinquish their political authority and continued to believe in their religious superiority, whereas the minorities endeavored to form a separate homeland, which portrays the political influence of ethnic nationalism. Thereafter, Hindus and Sikhs started to migrate to India, while Muslims started to migrate to (primarily) West Pakistan and East Pakistan, in three waves: after Independence from the British, the 1965 India-Pakistan war, and the 1971 conflict (Singh 2018). The countries then implemented the property acts when there was a surplus of property the migrants left behind. In 1971, Bangladesh fought for independence from Pakistan with the help of Indian forces because it faced economic and political exploitation from the latter (Zakaria 2019). This seems like a paradox because the community that faced persecution from India inflicted that same treatment onto the Bangladeshis, who ended up uniting with India despite the differences in their religious makeup. Thus, while British colonialism influenced the rise of ethnic nationalism between India and Pakistan, it did not surface in Bangladesh because of their lack of enmity toward India.

Indicators of Ethnic Nationalism in Pakistan

1. Migratory Patterns

	Post Partition (1947)	Enactment of Enemy Property Act (1965)	Current	Ethno-Demo Change

Number of Hindu Citizens	24%	14.2%	1.6%	-22.4%
Number of Muslim Citizens	66%	80.4%	98%	+32

Figure 10: Demographic Changes of Pakistan's Population (Ranganathan 2015)

Before the partition, Muslims comprised the majority of the population in Pakistan, but this country faced the largest ethno-demographic change out of the three cases. After the partition and the enactment of the property act, the Hindu population decreased by 22.4%, with the greatest reduction in population occurring after the implementation of the Enemy Property Act, leaving only 1.6% of Hindus in the country. Evidently, ethnic nationalism was a significant exclusionary force that drove Hindus out of the country, as the country's proclamation of being a separate Islamist nation did not include Hindus. The power of the Muslim League plays a major role in the migration of these religious minorities because they emphasized the need for a Muslim-majority state, which increased communal violence in the country (Wright 1966). Since Pakistan supports the migration of Hindus out of the country without providing an incentive to remain, it did not repeal its property act because it benefits in keeping their property. In contrast, the Muslim population increased by 32%, which shows the highest pull of ethnic nationalism to the Muslim homeland to achieve religious homogeneity. Here, Muslim populations received the greatest amount of political representation after suffering discrimination from colonialism and Hindu elites. This increase in the Muslim population is a clear example of ethnic nationalism because it illustrates that religious natives are inclined to inhabit a homeland that supports their religion. Pakistan meets this indicator of ethnic nationalism, as there are high levels of ethnic migration in and out of the country following Pakistan's split from India.

2. Citizenship Laws

Acquiring and maintaining citizenship in Pakistan is strict, as the country is based on *jus sanguinis* and places importance on religious loyalty to the country and its constitution. One can become a citizen by birth, descent, migration, citizenship of certain residents abroad, naturalization, marriage, and incorporation of territory (UNHCR 2020). The term ‘enemy’ is commonly referred to in this law, as well; for example, to be eligible for citizenship by birth, the parents must not be considered as enemy aliens. A similar sentiment is present in the provisions in the Enemy Property Act, as the presence of ethnic nationalism upholds the enmity that Pakistanis feel toward Indian Hindus. Since this restriction is upheld in the country’s citizenship laws, it is understandable that the country did not repeal its property act. Under migration, citizenship cannot be granted to those who migrated to India after 1947, even if they apply for Pakistani citizenship. This timeline for acquiring citizenship is illustrative of ethnic nationalism, as the country refuses to accept “enemy” migrants and marks the deadline for citizenship up to the partition that territorially divided the two religious groups. The significance of religion is present in the citizenship laws, as residents in Jammu and Kashmir with a Pakistan passport are eligible for Pakistani citizenship because the majority of those residents are Muslims, even though they are from a different territory. Evidently, ethnic nationalism is a strong factor in citizenship because Pakistan aims for a Muslim homeland by allowing religious natives an easier pass into the country. Until the country stops endorsing religious homogeneity in its citizenship process, it will not move to repealing its property act because it has an interest in keeping a hold of migrants’ property. Furthermore, these laws outline the rejection of citizenship based on disloyalty to the state or its constitution, which are both Islamist (UNHCR 2020), which demonstrates an emphasis on complying with the majority religion. Considering these strict

provisions, Pakistan meets this indicator of ethnic nationalism, as much of these policies reflect religious and nationalist sentiments when determining eligibility for citizenship.

3. Election Results

During the time of the enactment of the Enemy Property Act, the Convention Muslim League was the ruling party in Pakistan's government. This party was the figurehead for the partition of Pakistan from India on the basis of religious identity and supported the migration of Muslims to their homeland (Wright 1966). The Muslim League that formed Pakistan set ethnic nationalism as the foundation of the country because they supported the Hindu migration out of their territory, which means they would not repeal its property act. This separatist attitude demonstrates that members perceived India as their "enemy" because they invited Muslims to form a homeland and pushed for the implementation of the property act when the Hindus left. In contemporary Pakistan, the Pakistan Tehreek-e-Insaf promotes an Islamic democracy and is not promoting the objectives of the Hindu population, which explains that ethnic nationalism is still salient in political parties because the PTI has not repealed the property act. For example, although one Hindu parliamentarian believes that the construction of a Hindu temple in Pakistan would alleviate religious tensions, an ally of PTI, the Pakistan Muslim League, has ceased the construction of this temple (Ahmed 2020). Although many Hindus are attempting to establish the presence of their religion in Pakistan, the high level of ethnic nationalism induces the government to put an end to any threats against Muslim dominance. The succession of political parties in the country from the Muslim League to the PTI illustrates that all of the parties share Islamist ideologies that uphold ethnic nationalism and failed to repeal the Enemy Property Act. Pakistan meets this indicator of ethnic nationalism, as it fails to represent the Hindu minority, while only furthering the objectives of the Islamist parties since the establishment of the country.

4. Statements from Political Leaders/Parties

The political stances of the Prime Minister during the formation of Pakistan and in contemporary Pakistan demonstrate an inherent belief in ethnic nationalism. The head of Pakistan's first party or Father of the Nation, Muhammad Ali Jinnah, frequently disagreed with Nehru and Gandhi of the INC because he was a Muslim nationalist. He believed that he was "the best protection of Muslim interests against Hindu dominance" (Dalrymple 2015). His construction of Pakistan is a stronghold against a Hindu majority that the Muslims experienced before the partition, which demonstrates that he supported Hindu migration and did not repeal the property act to ensure Muslims remain the majority in Pakistan. Imran Khan from the Tehreek-e-Insaf, boasts of a "Naya Pakistan," or a "new Pakistan," that will be crafted in his term, which resembles a Pakistan that the Muslim League envisioned. However, his ideas neglect the lives of Hindus in his country and fail to find justice for the persecuted Hindu citizens, which includes his decision to not repeal the property act. While many news reporters frequently cover stories of Hindu girls that are kidnapped and murdered in the country, Khan denies any moves toward retribution. He states, "for what happened to these Hindu girls, I will start an investigation, but this was a conspiracy against me to sabotage my time at the United Nations to speak" (Khan 2019). His statements reflect an acceptance of the persecution of the religious minorities because he believes that the Hindu group is conspiring against him to usurp his role as the Prime Minister. His perception of Hindus in his country reflects enmity, which explains his Islamist agenda that does not consider the repealment of the property acts. In addition, other Parliamentarians are criticizing the Indian government about its treatment of Kashmir at the United Nations meetings (Ahmed and Batrawy 2020), while one of the members of the party, Fayyaz-ul-Hassan Chohan mocked Hinduism (Shahid 2020). There is a continued succession of

political leaders that uphold the belief of ethnic nationalism, which explains their failure to consider repealing the property acts because they do not aim to find retribution for Hindus.

Pakistan meets this indicator of ethnic nationalism, as the political leaders neglect the violence against religious minorities in their own country, while condemning its enemy country because of their interest in the Muslims in India.

5. Public Opinion

Similar to its political leaders, the majority of the population in Pakistan harbors anti-Hindu sentiments and uses their political affiliations to advance their opinions. For example, there are many instances in which followers of the PTI vandalize banners or construct anti-Hindu posters; one states, “A Hindu doesn’t understand words, only kicks” (Shahid 2020), and attacked Prime Minister Modi. Public opinion of Hindus is evidently negative as there are numerous personal attacks on these minorities, forced conversions, and accusations of blasphemy. A popular news source comments that these crimes are “a trend when the blasphemy laws are used to hound minorities since 1947” (The News Hour 10 2019). There is a clear understanding that Indian Hindus continue to be the “enemy” for the majority of the Muslims in Pakistan, which explains their reluctance to repeal the property act and restore the confiscated property. The education system also upholds ethnic nationalism within their teachings, as “It is common for books to describe Hindus as those “trying all means to harm Muslims”, and the “two-nation theory” (Shahid 2020), pursues religious expression to antagonize India. The institutional presence of ethnic nationalism serves to teach and uphold religious divisions throughout the generations; if children are taught to believe that Hindus harm Muslims, they will not repeal the property acts to seek revenge. Pakistan meets this indicator of ethnic nationalism, as there is a high level of communal violence and criticism against the minorities through political means.

Indicators of Ethnic Nationalism in India

1. Migratory Patterns

	Post Partition (1947)	Enactment of Enemy Property Act (1968)	Current	Ethno-Demo Change
Number of Hindu Citizens	73%	82.7%	85%	+12%
Number of Muslim Citizens	24m.3%	11.2%	10.9%	-13.4%

Figure 11: Demographic Changes of India's Population (Graff 2013)

Prior to the partition, Hindus comprised the majority of the population in India, but there was still a major ethno-demographic change in the country. After the partition and the Enemy Property Act, the Hindu population increased by 12%, whereas the Muslim population decreased by 13.4%, which demonstrates that Hindus returned to their home country for religious safety, while the Muslims were excluded. Evidently, ethnic nationalism is a significant force that influences Hindus to return to their native land, whereas the Muslims escaped increasing communalism. With this high level of Muslim migration out of the country, India had an interest in keeping the left-behind property, which explains why they did not repeal the property act. By the time of the enactment of the property act, most of the Muslims had already migrated because of the communal conflicts and violence that occurred between the ethnic groups, while only 0.3% migrated after the enactment of the property act. Chaudhri notes that it is more significant that 8,000,000 Muslims migrated from India compared to the 5,500,000 Hindus and Sikhs that migrated from West Pakistan (Chaudhri 1957). India migratory patterns demonstrate that the country values religious homogeneity and is not willing to repeal the property act because restoring property may mean a return of Muslims to the land or buildings that they left. India

meets this indicator of ethnic nationalism, as a great number of Muslims returned to their home country after enduring abuse from the Indian government.

2. Citizenship Laws

Acquiring and maintaining citizenship in India is strict, as the country is based on *jus sanguinis* and is currently implementing restrictions based on religious identity. One can become a citizen by birth, descent, registration, naturalization, if covered by the Assam Accord, or by incorporation of territory (UNHCR 2020). In addition, the term ‘enemy,’ is often repeated in the citizenship laws, along with a requirement of an oath of allegiance to the country (UNHCR 2020), which demonstrates an inherent opposition to the “enemy,” Pakistan. This sentiment reflects the ideas in the Enemy Property Act, as both enforce exclusion if the individual is perceived to be in allegiance with the “enemy.” A significant restriction of citizenship in this country concerns the Citizenship (Amendment) Act (CAA), commonly known as the ‘anti-Muslim law,’ allows religious minorities from Pakistan, Bangladesh, and Afghanistan to easily attain citizenship, but does not allow it for Muslims from those countries, who are considered as illegal migrants. This bill is connected with the National Register of Citizens, which is a list of qualified Indian citizens under the CAA, but excludes numerous Muslim Assam residents that became denied of their citizenship (Akins 2020). These citizenship acts indicative of ethnic nationalism because they are mainly exclusive by virtue of loyalty or descent from another country. If these laws continue to endorse ethnic homogeneity and reject the presence of a Muslim community, the country will not move to repeal its property act in order to continue persecuting the minorities. Considering these restrictions on citizenship, India meets this indicator of ethnic nationalism, as there are strong religious ties to maintaining citizenship in the country.

3. Election Results

During the time of the enactment of the Enemy Property Act, the Indian National Congress was the ruling party in India's government. This political party was monumental when fighting for independence from the British and emphasized "Hindu chauvinism and communalism" (Mallick 2013), in terms of its nationalist sentiments when establishing the new country. In addition, it supported the migration of the Muslims because they accepted the Muslim League's demands to make Pakistan a separate state (Mallick 2013), from a Hindu one. The ideologies of this party relates to their belief of Pakistan as the "enemy" because they encouraged Muslims to occupy a territory that does not interfere with a Hindu homeland, which demonstrates a high level of ethnic nationalism. As a consequence, the party did not support the repealment of the property act because there was strong ethnic nationalism in the country after colonization and the Indo-Pakistan war. In contemporary India, the Bharatiya Janata Party upholds ethnic nationalism and also places a strong emphasis on Hindu allegiance, as it passed the Enemy Property (Amendment and Validation) Bill in 2017 to include heirs of the enemy and to allow the custodian to continue to hold their confiscated property (Desk 2020). The debate when passing this bill concerned the question of whether or not to give the property back, but the majority of Congress believed that the heirs of the Muslim migrants are considered to be the "enemy" of India even if they are current citizens (Singh 2018), because their ancestors chose to migrate to Pakistan (NDTV Profit). Instead of working to repeal the property act and accomplish the secular ideas that are present in the country's constitution, the government dramatized the property act, which only worsened exclusion. Their current political achievements are representative of the persistence of ethnic nationalism in the country. Furthermore, there is a small amount of minority representation in government, as only 27 Muslims joined India's

Parliament in 2019, which is the second lowest after 23 in 2014 since 1952 (Muslim Mirror Staff 2019). With less Muslim representatives, there is a lesser chance that the government will account for the grievances of the minorities and will not repeal the property act. India meets this indicator of ethnic nationalism because the ruling parties passed legislation that continues to persecute the Muslim population without providing them adequate political representation.

4. Statements from Political Leaders/Parties

The first Prime Minister of India, Nehru, does not fit the traditional idea of ethnic nationalism, as he was opposed by Hindu nationalists and believed that India should not become a Hindu nation (Gopalakrishnan 2016). He only won the executive position because the frontrunner, Sardar Patel, backed down from his position because he feared that rejection would drive Nehru into opposition, which would once again divide the country (Lal 2018). Regardless of Nehru's disapproval of ethnic nationalism, his party would not cede to repeal the property act. Numerous statements from the Prime Minister of the country, Narendra Modi from the BJP, demonstrate exclusive sentiments of ethnic nationalism. In his address about the Hindutva, a term that celebrates India as a Hindu homeland, he defines the importance and influence of Hinduism. He references the Supreme Court's strong definition of the Hindu dharma and states, "I believe the Supreme Court's definition is giving the right direction. Hinduism is not a religion. Hinduism is not an ordinary name. It is a way of life" (Modi 2015). In terms of ethnic nationalism, the statements that the Prime Minister proclaims demonstrates that he believes in ethnic homogeneity and capitalizes on the Hindu majority. Evidently, he would not support the repealment of the property act, as he accepted the newest amendment to the policy that turned to become more exclusive of religious minorities. In his scientific discussion of life, he connects sympathy with wildlife to the practices of Hinduism and also notes that the worldwide hobby of

yoga comes from Hinduism. This influenced his proposal for a world yoga day, in which he boasted that 177 United Nations countries co-sponsored it (Modi 2015). Much of his statements and policy measures reflect Hindu nationalist sentiments when trying to advance a Hindu India in the world. It is clear that Modi would not encourage the repealment of the Enemy Property Act because it would not serve as a pro-Hindu political move, which is not in his interest when coming from a religious nationalist party. In addition, other leaders from the Hindu Right, such as MP Sakshi Maharaj, MP Uma Bharati, Rashtriya Swayamsevak Sangh, all from the BJP, proclaim their Hindu asceticism and reference Hindu teachings in their speeches (Chakraborty 2019). The BJP consistently illustrates itself as a party of Hindu members that supports Hindus, which reflects the government’s persecution of the “enemy.” India meets this indicator of ethnic nationalism because political leaders propose their religious leanings in their statements and legislation.

5. Public Opinion

According to a study by the Pew Research Center, public opinion towards Pakistan is generally negative. When asked if Pakistan is considered as a serious threat to India, 76% of the population responded that it is a threat, while 63% out of those said that it was a very serious threat (Devlin 2019). These perceptions of Pakistanis reflect the idea of an “enemy” that is present in the provisions of the Enemy Property Act, as both view Pakistani Muslims as a destructive force for a Hindu India. The public is prone to uphold ethnic nationalism and inflict communal violence onto the religious minorities because they also maintain the belief in ethnic homogeneity that would be threatened by Pakistan. The study shows that “supporters of the

How serious of a threat is Pakistan to our country?

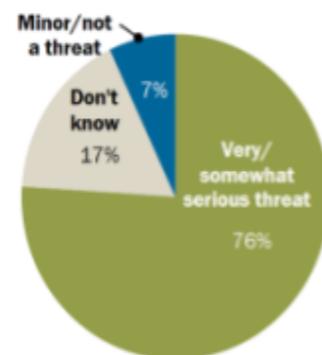


Figure 13: Public Survey on Pakistan

prime minister's BJP" (Devlin 2019), are a part of the majority that agree that Pakistan is a threat. In addition, those that support Modi are 70% more likely to view Pakistan as a threat (Devlin 2019). Public opinion closely resembles the ideologies of the ruling party, as both groups support pro-Hindu actions. This interaction may work in a cycle, as the party may impose religious nationalist sentiments, while the public may elect representatives that come from a common religious background to further religious objectives. In this case, the public and the leaders alike are not ready to repeal the property act because that would provide retribution for the Muslim community. India meets this indicator of ethnic nationalism because the public harbors negative opinions about Pakistan, along with supporting the viewpoints of the BJP.

Indicators of Ethnic Nationalism in Bangladesh

1. Migratory Patterns

	Post Partition (1947)	Enactment of Property Act (1974)	Repealment of Property Act (2011)	Ethno-Demo Change
Number of Hindu Citizens	30%	13.5% of population	8.96% of population	-21.04%
Number of Muslim Citizens	78.9%	85.4%	90.5%	+11.6%

Figure 13: Demographic Changes of Bangladesh's Population (Gumaste 2020)

Prior to the partition of India and Pakistan, Muslims comprised the majority of the population in Bangladesh; however, there was still significant ethno-demographic change in the country. After the partition and enactment of the Vested Property Act, the Hindu population decreased by 21.04%, whereas the Muslim population increased by 11.6%, which reflects ethnic nationalism, as Hindus were excluded from the country, while the Muslims returned to their in-group. It is important to consider that much of the migration occurred during the time period

between the partition and the enactment of the property act when East Bangladesh was still under the control of Pakistan, which means that the country had not yet established secularism. Maybe if Bangladesh had gained independence earlier, in the year of the partition, there may have been less migration of religious minorities. However, since Pakistan maintained political domination over Bangladesh, it was able to pass the property act under the Laws of Continuance Enforcement Order of 1971 and persecute the Hindus, who fled to neighboring India. After independence, even though Bangladesh repealed its property act, the confiscated property was not easily returned to the migrants, which placed them in “a position of “nowhere”, from which they could only think of “moving on”” (Panday 2016), by fleeing the country. As a result, ethnic nationalism is a contributing factor to the migration of Hindus from Bangladesh because they faced persecution from the Pakistani laws and could not find reparations for their confiscated property. Bangladesh meets this indicator of ethnic nationalism, as there is an outflow of religious minorities.

2. Citizenship Laws

Acquiring and maintaining citizenship in Bangladesh is less strict than in India or Pakistan, but is still based on *jus sanguinis*, as one can become a citizen by birth, naturalization, marriage, or investment (dualcitizenship.com 2018). Ethnicity influences some aspects of citizenship, as Bangladesh allows the Bengali-speaking abilities to be an extra consideration for citizenship (UNHCR 2020), which is one component of ethnic nationalism. However, at the time of independence, Bangladesh was loose with granting citizenship, as it allowed descendents of citizens, British subjects, and any migrants from the Indo-Pakistan subcontinent (Legislative and Parliamentary Affairs Division 2010). Unlike Pakistan and India, Bangladesh does not impose any restrictions on immigration on the basis of religion or loyalty to another country and does not

mention the term “enemy” when describing unwelcome migrants. Under these circumstances, Bangladesh maintains a moderate level of ethnic nationalism and meets this indicator, as it places importance on ethnic ties, but is not harsh with migrants.

3. Election Results

During the time of the enactment and repealment of the Vested Property Act, the Awami League (AL) was the ruling party in Bangladesh’s government. This political party asserts secular views to “shed its communal skin”, by “a jettisoning of the term ‘Muslim’ from its name” (Ahsan 2018), as it did not adopt the objectives of the Muslim League after independence. Their public statements about their political leanings are significant because they do not illustrate a belief in maintaining ethnic nationalism, which is the complete opposite of Pakistan despite their similar religious makeup. Moreover, opposition to this party was weak because “Islamist political parties who opposed independence... were regarded as collaborators with Pakistan”, and those “religion-based parties were banned under Articles 12 and 38 of the Bangladesh constitution” (Jahan 2014). The government recognizes Pakistan as the “enemy” as it disapproved of the parties that worked in favor of Pakistan; in addition, it prohibited the existence of religious nationalist parties, which demonstrates that there is a lack of emphasis on ethnic nationalism. Without an objective to persecute the religious minorities, the ruling party repealed the Vested Property Act because it goes against their perception of Pakistan as the “enemy” rather than the Hindus. Throughout the years, Hindus supported this party because they believed it held secular views (justice.gov 2015), which demonstrates that even if the Hindus themselves did not hold representatives in Parliament, their interests were being met by the Awami League members. Recently, 17 Hindus joined the Bangladesh Parliament, which is the highest number of members from this minority group since many decades (Struggle for Hindu

Existence 2019). With a low degree of ethnic nationalism in the country, the government encourages the political representation of religious minorities, which includes their ability to maintain property rights.³² Bangladesh does not meet this indicator of ethnic nationalism, as the election results favor the ethnic minorities.

4. Statements from Political Leaders/Parties

Political leaders in Bangladesh are moving towards supporting secularism and humanitarianism. Prime Minister Hasina plays a pivotal role in helping to stop communal violence and extol secular legislation, as the Awami League was the party that repealed the Vested Property Act. She states, “in our country people are free to practice their own religion and live peacefully” (Hasina 2015), which demonstrates that her governance does not rest on ethnic nationalism. Hasina’s emphasis on the coexistence of Hindus and Muslims induced her to repeal the property act to restore the rights of the Hindus and encourage them to stay in the country. Her diplomacy with India sets an example for the behavior within the country, as her objective is to further the development of both countries through friendly relations. As a result, Bangladesh does not view Indian Hindus as the “enemy” because both countries maintain an alliance against Pakistan. Bangladesh does not meet this indicator of ethnic nationalism because the political leaders are embracing secularism in their country to provide a safe place for minorities.

5. Public Opinion

According to an experiment conducted by Johansson-Stenman, Mahmud, and Martinsson about inter-religious interactions in Bangladesh, they find that Hindus and Muslims both trust each other, while Hindus trust Muslims a little more than Muslims trust Hindus (Johansson-Stenman, Mahmud, and Martinsson). They tested the strength of religious allegiance in this country and find that the level of interaction may have influenced these results, as Hindus

are more likely to interact with Muslims more because they are the minority. This friendly relationship demonstrates that the citizens themselves do not maintain ethnic nationalism, as the majority religious group does not push the minorities out of the country. Furthermore, these interactions are improving because Prime Minister Hasina’s reforms for “communal harmony” (Mahmud 2020), is an achievement for Hindu-Muslim relations. Although the country was once rife with killings, rape, and theft of Hindus, the country’s booming economy, liberalization, and secular motives are convincing Hindus to remain in the country (Mahmud 2020). With a lesser degree of communalism and a lack of ethnic homogeneity, the country repealed its property act to put an end to the political persecution of religious minorities. Bangladesh does not meet this indicator of ethnic nationalism, as it is putting an end to the communal conflicts, which allows members of the two religions to trust each other more.

Conclusion

When there is a low degree of ethnic nationalism, a country is more likely to repeal its property act. An analysis of the degree of ethnic nationalism in Pakistan, India, and Bangladesh illustrates that Pakistan and India hold a higher degree of ethnic nationalism than Bangladesh because they meet all five indicators of ethnic nationalism, whereas Bangladesh only meets two.

It is evident that Bangladesh’s low degree of ethnic nationalism inspired the country and its leaders that believe in secularism to repeal the Vested Property Act in order to end the persecution of religious minorities. However, this research is limited in the sense that not all relevant information is accessible or may even

Indicator Scores of Ethnic Nationalism

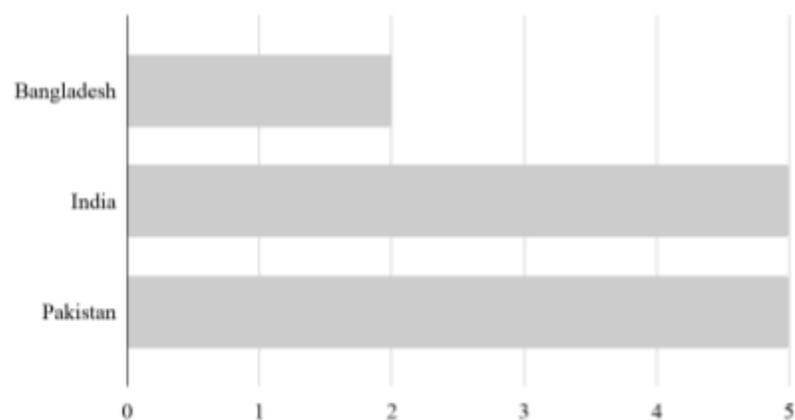


Figure 14: Comparison of Ethnic Nationalism Scores

be quantifiable. For example, it was quite difficult to access the provisions in Pakistan's Enemy Property Act, as much was linked to India's act. Moreover, it was difficult to measure the presence of ethnic nationalism because it is something that depends on personal ideology and cannot be easily identified in a quantitative manner, but these five indicators are representative of these exclusive sentiments.

Nevertheless, it is intriguing that these countries maintain a belief that they are "enemies" based on a difference in faith decades after independence, the partition, and a ceasefire. If religious differences are the cause, why does Bangladesh fail to follow the precedence of the two countries that it split from? Does a lack of political representation of these religious minorities dictate one's standing in a country? If all of the conflict stems from politics, do the country's leaders endorse ethnic nationalism or do the citizens elect those types of leaders? Even though many parties and laws pronounce themselves as secular, why does religious discrimination continue in a world that increasingly encourages the freedom of expression?

Bibliography

- Ahmed, Khaled. 2020. "A Mandir in Islamabad: Why Imran Khan government must aid, not stall, the project." *The Indian Express*.
- Ahmed, Munir and Aya Batrawy. 2020. "At UN, Pakistani leader says India sponsors anti-Muslim hate." *AP News*.
- Akins, Harrison. 2020. "The Citizenship (Amendment) Act in India." *United States Commission on International Religious Freedom*, 1-3.
- "All about Enemy Property Bill." NDTV Profit.
- "Bangladesh Citizenship (Temporary Provisions) Rules, 1978." *United Nations High Commissioner for Refugees*. 2020.
- "Bangladesh - Hindus." *Justice.gov*. 2015.
- "Bangladesh is a secular country: Sheikh Hasina." *The Economic Times*. 2015.
- Belkacem, Belmekki. 2007. "The Impact of British Rule on the Indian Muslim Community in the Nineteenth Century." *University of Oran*.
- Bhargava, Rajeev. 2004. "Inclusion and Exclusion in South Asia: The Role of Religion." *United Nations Development Programme*.
- Bleich, Erik. 2009. "Integrating Ideas into Policy-Making Analysis." *Sage*.
- Chakraborty, Chandrima. 2019. "Narendra Modi's victory speech delivers visions of a Hindu nationalist ascetic." *The Conversation*.
- Chaudhri, Mohammed Ahsen. 1957. "Evacuee Property in India and Pakistan." *Pakistan Horizon*, 10 (2): 96-106. Pakistan Institute of International Affairs.
- Connor, Walker. 1970. "Ethnic Nationalism as a Political Force." *Sage Publications*, 133 (2): 91-97).

- Dalrymple, William. 2015. "The Great Divide: The violent legacy of Indian Partition." *The New Yorker*.
- Desk. 2020. "Explained: What is enemy property in India, and how has the government dealt with it?" *The Indian Express*.
- Devlin, Kat. 2019. "A Sampling of Public Opinion in India." *Pew Research Center*.
- Doval, Nikita. 2017. "The casualties of the Enemy Property Act." *Mint*.
- "Dual Citizenship Bangladesh." *DualCitizenship.com*. 2018.
- Dusche, Michael. 2010. "Origins of Ethnic Nationalism in Germany and Repercussion in India." *Economic and Political Weekly*, 45 (22): 37-46.
- Gagnon, V.P. Jr. 1994. "Ethnic Nationalism and International Conflict: The Case of Serbia." *The MIT Press*, 19 (3): 130-166.
- Gopalakrishnan, Amulya. 2016. "The Nehru you don't know." *The Times of India*.
- Graff, Violette. 2013. "Hindu-Muslim Communal Riots in India." *SciencesPo*.
- Gumaste, Vivek. 2020. "There may be no Hindus left in Bangladesh in 30 years." *SundayGuardianLive*.
- Ilbert, Courtenay. 2020. "The Indian Councils Act, 1909." In *Journal of the Society of Comparative Legislation*, 11 (2): 243-254. *Cambridge University Press*.
- "India: Act No. 57 of 1955, Citizenship Act, 1955." *United Nations High Commissioner for Refugees*. 2020.
- Jahan, Rounaq. "Political Parties in Bangladesh." *Center for Policy Dialogue*, 1-64.
- Jahan, Rounaq and Inge Amundsen. 2012. "The Parliament of Bangladesh: Representation and Accountability." *Center for Policy Dialogue*, 1-69.

- Johansson-Stenman, Olof, Minhaj Mahmud, and Peter Martinsson. 2020. "Trust and Religion: Experimental Evidence from Rural Bangladesh." *Economica*, 76 (303): 462-485.
- Kalra, Samir. 2015. "Diminishing Hindu Population in Bangladesh From the Perspective of Ethnic Cleansing: A Conscious Unawareness?" *Hindu American Foundation*.
- Lal, Makkhan. 2018. "In Patel vs Nehru saga, remember that India's first PM wasn't elected unanimously." *The Print*.
- Mahmud, Faisal. 2020. "Do Hindus feel threatened in Bangladesh?" *TrtWorld*.
- Mallick, Ayub. 2013. "Ideology of the Indian National Congress: Political Economy of Socialism and Socialistic Pattern of Society." *IOSR Journal of Humanities and Social Sciences*, 96-112.
- Mishra, Sunita. 2019. "Govt Allows States To Put Enemy Properties To Public Use." *PropTiger*.
- Muller, Jerry Z. 2008. "Us and Them: The Enduring Power of Ethnic Nationalism." *Council on Foreign Relations*, 87 (2): 18-35.
- Muslim Mirror Staff. 2019. "List of 27 Muslim MPs elected for Lok Sabha 2019." *Muslim Mirror*.
- NMF News. 2015. *Watch | PM Narendra Modi talking about Hinduism*.
<https://youtu.be/SHw7ubK8oP8>. (15 November 2020).
- Oikya, Upal Aditya. 2017. "The Vested Property Repeal (Return) Act 2001, A Road to Solution or the Perpetuation of Deprivation of the Hindu Minorities in Bangladesh." *South Asia Journal*.
- Panday, Pranab Kumar. 2016. "Politics of Land Grabbing: The Vested Property Act and the Exploitation of Hindu Communities in Bangladesh." *International Journal on Minority and Group Rights*, 23 (3): 382-401. Brill.

- Rani, Anita. 2018. "Why Did the Partition of India Happen?" *HistoryHit*.
- Reeskens, Tim, and Matthew Wright. 2011. "Subjective Well-Being and National Satisfaction: Taking Seriously the "Proud of What?" Question." *Sage Publications*, 22, 11: 1460-1462.
- Robinson, Amanda Lea. 2014. "National Versus Ethnic Identification in Africa: Modernization, Colonial Legacy, and the Origins of Territorial Nationalism." *Cambridge University Press*, 66 (4): 1-38.
- Roshwald, Aviel. 2001. "Ethnic Nationalism and the Fall of Empires: Central Europe, Russia, & The Middle East, 1914-1923." *Routledge*, 1-288.
- "Seventeen Hindu members have been elected in 11th Parliament in Bangladesh." *Struggle for Hindu Existence*. 2019.
- Shahid, Kunwar Khuldune. 2020. "Bigotry against Hindus rising in Pakistan." *Asia Times*.
- Singh, Hemant. 2018. "शत्रु सम्पत्ति अधिनियम क्या है और इससे भारत सरकार को क्या फायदे हैं?" *Jagran Josh*.
- Steinmo, Sven. 1989. "Political Institutions and Tax Policy in the United States, Sweden, and Britain." *Cambridge University Press*, 500-535.
- Talbot, Ian. 2019. "Legacies of the Partition for India and Pakistan." *Politeja*, 7-25. Księgarnia Akademicka.
- Tharoor, Shashi. 2017. "The Partition: The British game of 'divide and rule'." *Aljazeera*.
- Tharsen, Laura. 2005. "Ethnic Nationalism in Germany." *Penn State University Press*, 8 (2): 117-142.
- "The Citizenship Act, 1951." *Legislative and Parliamentary Affairs Division*. 2010.
- "The Pakistan Citizenship Act, 1951 (II of 1951)." *refworld.org*.

Times Now. 2019. *Imran Khan shamed in Pak Parliament over hatred & hostility for Hindus* |

The Newshour - Agenda. <https://youtu.be/VyCu4jypWmI>. (15 November 2020).

Webster, John A. 1994. "Homelands and Hostility: Measuring Levels of Nationalism." *Air Force*

Institute of Technology, 1-64.

Wright, Theodore P. Jr. 1966. "The Muslim League in South India since Independence: A Study

in Minority Group Political Strategies." *American Political Science Association*, 60 (3):

579-599.

Zakaria, Anam. 2019. "Remembering the war of 1971 in East Pakistan." *Aljazeera*.