

# India: the Current Political Movement against CAA and NRC

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Our thanks to our guest writer, Mira Ghalib, in Delhi, for this contribution on the situation in India.

The Road Less Taken or Treading the Same Old Path ?

Less than three months ago on 11 December, the Indian Parliament passed the Citizenship Amendment Bill (CAA) which provides Hindus, Sikhs, Buddhists, Jain, Parsis and Christians from Afghanistan, Bangladesh and Pakistan the opportunity to apply for a citizenship in India. The Bill was signed by the President of India on the 12th of December and became an Act immediately. The legislation, which came into effect on the 10 of January, stirred controversy amongst the general public in India, even before it came into effect. Large demonstrations in the universities and public spaces, mostly peaceful, have been met with violent repression from the police authorities who obediently heeded the commands of the India's central government constituted by the ruling Bhartiya Janata Party (BJP).

Making migrants illegal is not new to the Indian legal imagination. The CAA is yet another constitutional amendment to the Citizenship Act of 1955 which has previously undergone five such amendments. It is not the aim of this article to delve into the legal entanglements of a political concept such as citizenship. There is already rich literature on this. What is of significant use and provides a context for this article is the connection of this constructed illegality with religion. A careful reading of the CAA shows that it was carefully designed to exclude a definite section of people, namely Muslims.

Colouring the migratory and refugee status of people with the exclusionary hues of religion and cultural beliefs is of recent origin. What this essentially means is that while the ruling BJP has effectively worked to realise its parent organisation, Rashtriya Swayamsevak Sangh's (RSS) vision of India as a 'Hindu rashtra' (nation). Yet it has had to conform to the legal demands of the Indian Constitution and moreover had to present a positive appearance in the international spotlight. However, when the CAA was passed, ostensibly exclusively to allow the category persecuted minorities to apply for Indian citizenship, the ruling party's explicit agenda of creating a Hindu nation by legal means became clearer. The CAA in itself, its supporters claim, simply offers citizenship to people seeking refuge in India and is recognized in the international principles of human rights.

However, considering that India never has acknowledged the rights of asylum-seekers onto its soil and continues to be a non-signatory to the 1951 Refugee Status Convention and the 1967 Refugee Status Protocol, the ruling party's sudden interest in welcoming a certain category of people in the country arouses massive scepticism.

Since 1981, India has allowed UNHCR to grant asylum to nationals from other countries. While the Government of India directly assists the two largest groups of refugees in India, namely the Sri Lankan and

Tibetans, the UNHCR manages the rest of the refugees and asylum seekers from Afghanistan and Myanmar. It is unclear though, how the Indian government and the UNHCR coordinate their tasks and in which specific ways the refugees and asylum seekers are managed by UNHCR. While the UNHCR registers asylum seekers and provides them with refugee cards, on the other hand in the event that their application is successful, the Indian government issues Long Term Visas/ Stay Visas to access basic rights and opportunities.

Several studies have shown that asylum seekers and UNHCR-recognized refugees in India continue to survive in meagre conditions including not having access to employment opportunities in the formal economy. Instead they can access the minimum set of facilities enabled by the UNHCR such as the government health care system, government schools as well as the national legal system. While access to public health care and public education in India is hampered due to poor infrastructure, availing justice at the Indian judiciary appears to be difficult.

Therefore, a reading of the Citizenship Amendment Act, must be done in the light of the National Register of Citizens (NRC). The NRC is a government registry of Indian citizens which puts the burden of proving their citizenship on Indians through a restricted list of documents. There is less clarity on what these documents are and the necessary information on how and where to submit these documents. Even less is known about the legal measures which will allow people across India to challenge the results of the NRC exercise, in case they are rendered stateless. The final and updated NRC in Assam, a state in the Northeastern region in India, was released in August 2019 and excluded 1.9 million people out of 19 million inhabitants. Several of those excluded are Bengali Hindus, a potential bank of voters for the BJP. The fate of these people remains unknown where on one hand the BJP government is under mounting pressure to reject this list and on the other; the indigenous population of Assam has been pushing for NRC to reject immigrant settlement in their lands, whatever their religious backgrounds.

The indigenous struggle against immigrants, who mostly came in the 1960s from East Pakistan (now Bangladesh), has resulted in violent attacks against the immigrants and later Congress-led state sanctioning of detention centres in the state. As of November 28, 2019, six detention centres have been operational in Assam, housing around 1000 detainees, mostly of Bangladeshi origin (The Hindu, 2020). BJP government under Prime Minister Narendra Modi has since its electoral victory in 2014, made consistent efforts to set up detention centres across India through sanctioning large areas of land for construction. In addition, the processes have picked up pace at the Foreign Tribunals which can decide the illegal immigration status of those excluded from the NRC and send them to detention centres until they are deported. Together with NRC, the CAA will allow naturalization of certain people, but exclude the Indian Muslims and render them insecure and stateless. The disturbing possibility of their imprisonment in the detention centres should not be ignored.

And Therefore, The People Protest

Inquilab Zindabad (long live the revolution) chants are heard frequently across the different protest sites in India. Seething with fear but also courage, with frustration but also hope, and with anger but also solidarity, people in India have taken to the streets to express their opposition to the present government. One of the main spaces to emerge as a platform for people is Shaheen Bagh in Delhi. Located near Jamia Milia Islamia university, where students were first attacked by the Delhi police in December for protesting CAA-NRC legislations, Shaheen Bagh expresses a political momentum constituted mostly of women. These women are in large numbers, old and young, and are angry and resilient. Throughout Delhi's biting cold winter, these women and men have sat through it to show their resistance against the anti-people tactics of the BJP led Indian state. And they have been threatened and shot at.

Since December 15, when the sit-in began at Shaheen Bagh, protestors have been attacked verbally by the BJP supporters, threatened by the police and obstructed from joining the protests. Seeing that this did not deter old and young alike from joining the protests, both the central government and their allies at the state level, resorted to the use of constitutional tools for charging certain speeches and protestors with sedition. While the BJP has ignored their own Members of Parliament who have publicly used hate speech and called for shooting the 'anti-nationals' (a term used by the ruling government against those opposing their policies), swift legal action has been taken against political mobilisers such as Sharjeel Imam, Akhil Gogoi, and others through the application of draconian laws dating to the colonial-era. In addition, print and television media in India under a barrage of directions from the BJP offices have mounted an offensive against the protestors and continuously struggled to break up the movement. The mounting offensive has however, not stopped the movement; but it has created conditions of impunity for those inciting violence against the 'anti-nationals'. Which is why one can see the brazenness with which members of the Sangh Parivar (the umbrella organisation of Hindu nationalist organisations in India) have repeatedly opened fire at the disarmed and non-violent protestors sitting at Shaheen Bagh, fortunately without any casualties.

Shaheen Bagh's uniqueness within the current political climate in India derives from its diverse participation. Different political causes related to the transgender communities of India, the Dalit struggles, the indigenous peoples' struggles against displacement, protection of climate and resources, minority rights, women's rights and others have been represented at Shaheen Bagh. Nevertheless, it is the Muslim women belonging to lower class backgrounds who have sustained the nonviolent resistance at Shaheen Bagh and stirred an alternative in people's political imagination. Such resistance has emancipated similar struggles in the rest of India, through what are affectionately called as the Shaheen Bagh of Kolkata or the Shaheen Bagh of Mumbai and elsewhere. It seems as if Shaheen Bagh has managed to outline the parameters of a movement, which is constitutive of diverse political interests. This also means that differences have erupted within the movement, mostly related to the long-standing question of Kashmir. Instances of indigenous Kashmiris being disallowed to speak at protests and inhibitions on carrying 'Free Kashmir' banners and placards at the demonstrations have been well-documented but gained less traction within the current political struggles. This might reinstate what some have called the dispossession of already marginalised voices by upper caste Hindus or other Savarnas (caste Hindus) dominating the left-wing political organisations as well as civil society organisations.

Is the Current Political Momentum Beyond Anti-CAA-NRC Rhetoric?

The resentment towards the ruling BJP goes beyond its sectarian policies. A flailing economy with low productivity, industrial stagnation along with acute unemployment rates and falling outputs of food grains, can be factored into the current movement. In the financial year 18, India's unemployment rate stood at 6.1% (Periodic Labour Force Survey of the National Sample Survey Office (NSSO) and the levels of inequality have steadily been rising from Gini 0.65 in the mid-1990s to an extreme level 0.74 in the 2000s (NSSO decennial All India Debt and Investment Survey). In addition, the 2017 Chancel and Piketty report titled, 'Indian income inequality, 1922-2015: From British Raj to Billionaire Raj' shows that since the mid-1980s there has been a reversal from an earlier pre-reform period to a neoliberal regime with a steady increase in income of the rich top 10 per cent.

Added to this, is the growing privatization in public sectors such as in telecommunications, aviation, defence, railways and others. BJP also attempts to enable foreign direct investment in the coal mining industry through the amendment of Mines and Minerals (Development and Regulation) Act, 1957, and Coal Mines (Special Provisions) Act, 2015. These along with the brazen attempts by the government to restrict labour laws through their codification, as well as dispel cooperation with central trade unions through undermining tripartite meetings such as the Indian Labour Conference (which have not taken place after 2015).

It should not come as a surprise to the reader therefore, that the biggest general strike in India on 8 January this year with over 250 million people participating, had already been declared last year by the central trade unions as a call for 'Challenging Modi Governments' anti-workers, anti-people, anti-national policies? (Press Release from 30th September 2019, Parliament Street, National Open Mass Convention of Workers). The call for the strike was made a few months before the CAA bill was passed in the Parliament. Farmers as well as workers from sectors such as banking, railways, insurance, tea cultivation, defence manufacturing, coal mining and others marched along at the strike with university students, professors and members of the middle 'classes' to voice their disdain against the corporate-communal betrothal.

Prabhat Patnaik in his article on the 'Road map to a failed state' notes that Modi's 'hard-nosed neoliberalism' (neo-liberalism without a human face unlike the previous United Progressive Alliance's neoliberal policies) is complemented with the Hindutva nationalism. What the author essentially means by this is that an alliance between the two allows the prevalence of 'communal fascism', enabling the BJP government to drum up popular support framed on nationalist fervour while muzzling dissent against a persistent economic crisis. There is much room to build confidence in Patnaik's analysis, especially because it opens doors to recognizing the intertwined character of Hindutva Nationalism with the neoliberal variety in India. It remains to be seen however, if our imagination for alternatives would gain from a unified struggle or lead us to an already trodden path.

The question of fascism in India is not without controversies. While Indian historian and economist Ramchandra Guha has time and again cautioned against applying the term fascism for the right wing movements, others such as the likes of historian Benjamin Zachariah note that the Sangh Parivar's ideological links to Italian fascism and German Nazism allows us room to ruminate over their attempts to turn India into an authoritarian Hindu state (Chakrabarty, 2020). Zachariah makes an important point, one that touches upon the distinction between an almost-fascist organisation seeking power and one which has already captured the state. Control over the judiciary, the executive including the police, certain sections of the armed forces as well as the administrative with a majority in the Parliament are clear signs of the capture of the state by the Sangh Parivar. Added to this is an open attack on trade unions as well as civil society (through the implementation of Foreign Contribution (Regulation) Act). Recent state-sanctioned pogroms against poor and working-class Muslims in Delhi and Uttar Pradesh are evident of the growing use and sponsor of political violence by the Sangh to further its agenda. Even the alternative Aam Aadmi Party (Common Man's Party) in Delhi run under Arvind Kejriwal, which previously seemed like a respite from BJP, has miserably failed in containing the attacks and protecting the minority Muslims in Delhi.

It is therefore of utmost necessity that we recognize the signs of fascism within the ruling BJP and the Sangh Parivar organisation and build a common struggle against this oppression. This would mean that the working-class organisations, the Dalit groups, the women's movement and all others would need to come together under the unified resistance to the Indian variety of religious-nationalism and capitalism. At the onset, this does not seem like an easy task, considering the fragmentation of the left-wing groups and savarna-dominated leadership of the communist parties of India who have long been the spokespersons for the oppressed communities. A collective struggle in India will, therefore, have to unite these against all forms of structural oppression at the commands of a Brahmin patriarchy, if we want to root out the Indian fascist movement.

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