

## **“They Called Us Illegal. How Is It Possible?”**

### **Dissent As A Tool For Navigating Citizenship in Democratic India**

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What does citizenship mean in contemporary democratic societies as they become increasingly multicultural? Can dissent be used constructively to redefine the terms of engagement of minority groups with the state? Apropos of these two questions, what happened in India in 2019–20 is exciting because it is unique in the history of the theory and practice of liberal democracy anywhere in the world. Events in parts of Delhi in early 2020 and with [protesting farmers](#) on the outskirts of Delhi at the end of 2020 that are still ongoing in January 2021, cover issues that should in fact have been dealt with inside Parliament but were not. Some of Prime Minister (PM) Narendra Modi’s landmark policy decisions were correct but badly flawed in the politics of mobilising public and political support and were also badly implemented. Others have had design as well as implementation flaws. And still others were simply wrong on all counts.

Regardless, they have all suffered from the pathology of maximum government, minimum governance. The modus operandi of PM Narendra Modi’s style of governance is to introduce some of India’s most consequential laws in decades in Parliament without consultation in advance with stakeholders and opposition parties and enact them in both the Lok Sabha and Rajya Sabha (lower and upper House) within one to three days without referral to a parliamentary committee. Then enforce them with the heavy hand of the state, conflate India with the ruling Bharatiya Janata Party (BJP) and Modi, and delegitimise protestors as anti-national agitators in the pockets of foreign paymasters. Protests are met with imperious arrogance and protestors’ patriotism is impugned with fevered imaginings of foreign conspiracies.

The Constitution of India formally came into force on 26 January 1950, a date which is an important day of celebration as Republic Day. Thanks to ill-considered actions of the Modi government, last year's celebrations marked a mass awakening to the critical importance of the social purposes of the state of India as embodied in the Constitution that is without precedent in the 70 years of the existence of the Republic. Protestors who eschew violence strengthened India's liberal democracy by affirming faith in the institutions and constitutional structures of the republic to provide relief and redress. They also issued a clarion call on the conscience of the state to engage in dialogue with its citizens. As such these Indian examples are likely to feature in future studies of how sectarian minorities can negotiate citizenship in multicultural societies everywhere. This paper begins by recalling the grounds for political obedience in terms of the distinction between law and legitimacy. It then briefly sketches the assertion of Hindu primacy in the 2014–19 years before examining the seminal events of 2019 and 2020.

### Law, Legitimacy and Civil Disobedience

Law mediates relations between the powerful and the weak, the rich and the poor, the old and the new. It has both a licence and a leash function, enabling the exercise of legitimate power by the state as the embodiment of the social purpose of the political community, but simultaneously also circumscribing and limiting it to specified ends and prescribed procedures while protecting the private space of citizens from interference by the state. The distinction between law and legitimacy is an old one for political philosophers and intersects with the equally familiar discourse on the grounds of political obedience and disobedience, including a duty to disobey. Coercion, self-interest and legitimacy are alternative grounds for rule obedience. Power is the capacity simply to enforce a particular form of behaviour. Authority signifies the capacity to create and enforce rights and obligations which are accepted as legitimate and binding by members of an all-inclusive society who are subject to the authority. Norm compliance by those who reject the legitimacy of the existing order will be a function of their incapacity to break out, not of voluntary obedience.

Differing from spontaneous and discrete protests, 'civil resistance' covers a variety of coordinated methods like marches, demonstrations, boycotts, strikes and collective non-cooperation to express opposition to policies and state authorities without inflicting physical harm or damage on an opponent. Violence is problematic in principle and also usually counter-productive in practice, as shown recently at and in the Capitol in Washington DC. In *Why Civil Resistance Works*, Erica Chenoweth and Maria Stephan showed that, from 1900–2006, civil resistance campaigns outperformed armed struggles in defeating authoritarian regimes, advancing democratisation, and averting a relapse into civil war. David Shor, a data analyst for the Democratic Party, was fired last year for retweeting a complementary scholarly paper that [nonviolent protests are more politically effective](#) in redressing black minority grievances in the US. The paper he referenced was by Princeton University's Omar Wasow, whose study of black-led protests from 1960–72 found that protest tactics that resorted to violence and those that employed peaceful means had contradictory effects on voter support for the Democratic Party. The race riots after the assassination of the great black civil rights leader Martin Luther King shifted votes towards the Republican Party by 1.5-7.9 percent among whites, which was enough to tip the 1968

presidential election to Richard Nixon. By contrast, peaceful protests increased the Democratic vote share by 1.6-2.5 percent by generating sympathetic media and elite discourse. In sum, nonviolent activism against state or vigilante repression was more effective in driving favourable media coverage, framing, Congressional speech and public opinion on civil rights ([American Political Science Review](#), 21 May 2020).

Civil disobedience was one of several political legacies inherited by independent India from the British Raj, in regard both to the technique and the legitimacy of political protest. The person most responsible for the adoption and success of nonviolent civil disobedience against British colonial rule in India was Mahatma Gandhi. In effect he instrumentalised and operationalised Henry David Thoreau's concept of civil disobedience (1849) into an effective technique for peaceful mass mobilisation against a militarily much more powerful opponent. Where Thoreau had written of civil disobedience to restore basic freedoms and liberties, Gandhi used it to win independence for an entire nation from a globe-spanning empire. Gandhi's notion of *satyagraha* (the literal meaning of the term is urging of truth upon the opponent) is deeply grounded in the power of moral suasion. He launched his first *satyagraha* in 1920. More recently, people have been more interested in its strategic logic, as a more cost-effective alternative to violent resistance. It requires sacrifice, courage and steadfastness to refuse obedience to the diktats of a discredited and despised government. The dissenters must be prepared to accept the legal consequences, including imprisonment.

A curiously Indian form of political participation is the political demonstration. A large variety of nonviolent protests has been perfected for use as a political tactic in India: the *satyagraha* which invokes the mantle of Gandhian and nationalist legitimacy; *bandh* (strike); *dharna* (general strike); *gherao* (confinement of people in their office premises); *jail bhara* (filling of prisons); *rasta (or rail) roko* (road or rail blockages), *ekta yatra* (national unity pilgrimage), as well as fasts, walkouts, blackflag demonstrations and so on. The politics of street protests are ways of communicating the mobilising potential and public support for a particular party or leader to the government, officials and people. By providing an alternative channel of demand articulation, this has imbued the Indian political system with greater political legitimacy. It has enabled individuals and groups to challenge government policies. It can also be used to put pressure on governments to redress injustices.

The jails of the British Empire were the biggest training ground for the leaders of the governments of newly independent colonies, including Jawaharlal Nehru in India. *Jail Bhara Andolan* literally means 'Fill the prisons movement/agitation'. In other words, it is a deliberate technique of a coordinated campaign to subvert a law or regime by courting arrest and imprisonment in numbers that physically stretch police resources, clog the courts and overwhelm the prisons. The fact that those imprisoned are normally law-abiding citizens adds greatly to the authorities' embarrassment quotient. It was used frequently as part of India's independence struggle against the British. Gandhi got habituated to being jailed by oppressive authorities in apartheid South Africa, where from 1893 to 1915 he was imprisoned four times. Back in British India, jail became a second home to him and the authorities would release him when he began a fast, fearing mass uprisings should he die in prison. 'I always get my best bargains behind prison bars', [he quipped](#) with his trademark sense of mischief, the same that apocryphally led him to remark that European civilisation would be a very good idea. At his [trial for sedition in 1922](#), Gandhi said: 'I am here to invite

and cheerfully submit to the highest penalty that can be inflicted upon me for what in law is deliberate crime and what appears to me to be the highest duty of a citizen'. He prioritised the call of truth and conscience – 'a higher court' – over the courts of justice.

Because of that lineage, it has a legitimacy that makes it impossible for any Indian government to counter effectively and so it continues to be used up to modern times, sometimes for trivial political point scoring instead of in the service of a transcendental cause. In [December 2011](#), social activist and Gandhian Anna Hazare launched a *jail bharo andolan* against runaway mega-corruption in the Manmohan Singh government. His website quickly racked up over 100,00 volunteer registrants and counting. Hazare warned his followers against the [trap of violence](#) at any cost. In June 2012, the [BJP](#), then in opposition, announced the launch of a *jail bharo andolan* during which party leaders and workers would court arrest to protest against rising prices of essential commodities. With a change of government in [May 2014](#), in November the Congress Party launched a *jail bharo andolan* movement against the BJP in the state of Chattisgarh. In [January 2019](#), 40,000 people courted mass arrest, demanding prohibition in the state of Karnataka. In [March last year](#), over 100,000 took part just in the city of Chennai, in a *jail bharo* protest against the BJP government's changes to the citizenship law with discriminatory provisions against Muslim migrants from neighbouring countries. Muslim leader Asaduddin Owaisi had warned of this in [February](#). On [3 November](#), state parliamentarian Nahid Hasan called for a massive *jail bharo andolan* in Uttar Pradesh in protest at police excesses.

## 2014–19 as Prelude

The 2019–20 social upheavals and political turmoil can only be understood against the backdrop of Modi's first term (2014–19), when his development and good governance agenda capsized under a sudden surge in Hindu zealotry. Muslim marginalisation – despite their nearly 200 million strong population – is the flip side of Hindu primacy.

A [BJP lawmaker praised the killer of Mahatma Gandhi](#) as a patriot in December 2014; another urged all Muslims to [go live in Bangladesh or Pakistan](#) in February 2018; and in July 2018, a [minister garlanded eight men convicted of lynching](#) a Muslim man in 2017 in an act of cow vigilantism. The 'Othering' of India's Muslims by Hindu bigots has depended on questioning their loyalty and allegiance to India and attempting to portray them as fifth columnists loyal to the Islamic Republic of Pakistan. That underlying suspicion has been harvested politically by Modi and the BJP to push through a social agenda that has steadily marginalised the Muslims and promoted Hindus as more equal than others.

In a seminal event in Modi's new India, on 28 September 2015, 50-year old [Mohammad Akhlaq was lynched](#) at home in the presence of his family by Hindu villagers inflamed by the announcement at a local temple that the Muslim family ate beef. Even though the murder took place just 45km from Delhi in Dadri, Modi did not refer to the lynching publicly until ten days later, only to deliver a homily that Hindus and Muslims should [join forces to fight poverty](#) and not each other. He could instead have embraced Akhlaq's traumatised 75-year mother and 22-year son in a public show of solidarity, connected with their loss and assured India's Muslims that the full apparatus of the state would be committed to delivering the perpetrators to speedy justice. As the religious minorities, especially Muslims, developed a

siege mentality amidst the multi-pronged assault, commentators began warning already in 2015 that Modi risked turning India into a [Hindu Pakistan](#).

### Reimagining India as a Hindu Rashtra (Nation)

This background helps to explain why Muslims and other minorities had begun to feel besieged by the Hindutva agenda—a majoritarian project by hardline Hindus to transform India from a secular republic into a Hindu Rashtra (nation)—in Modi's first term. However, not wanting to provoke untoward incidents in an increasingly febrile atmosphere, they mostly kept their silence. After last year's election, the most important question for Indian analysts was: In his second term, would we see the business-friendly Modi from the state of Gujarat who implements bold reforms to create the necessary million new jobs every month, for example by relaxing labour entry and exit rules to make it easier to fire and hire workers, liberalising agricultural markets and privatising big loss-making enterprises like Air India? Or would we see the divisive cultural nationalist who refuses to check the vicious and ugly lynch mobs who threaten to turn India into a Hindu mirror image of Pakistan?

The apprehensions of those who fear the BJP as the Trojan horse of Hindu fascism were fed by the vitriolic hatred aimed at Muslims by many BJP leaders in Modi's first term. The hopes of those who believe that the party had exhausted the mobilising potential of Hindu chauvinism and must tack to the centre-right to survive in the rough and tumble marketplace of Indian politics rested on the tradition of Hindu tolerance and the middle ground of politics that imposes the restrictions of respectability and punishes extremism. Instead, re-election with an increased majority in May 2019 seems to have set free the inner demons of the project to make a Hindu Republic of India alongside the Islamic Republic of Pakistan.

The 2019 general election proved to be one of the most polarising and toxic in India's history. In one telling example, the BJP selected Pragya Thakur as a candidate for the high-profile Bhopal seat while she faced charges of terrorism. She compounded the embarrassment by describing Mahatma Gandhi's assassin as a [deshbhakt](#) ('patriot'). She won and is now an MP. The BJP and Hindutva ideologues interpreted their massive victory in the general election as a validation and endorsement of the cultural nationalist project to create a Hindu majoritarian state. On the day the results were announced and the scale of his victory became clear, [Modi sounded an ominous warning](#): *Is chunaav mein ek bhi rajnetik dal secularism ka naqab pehen kar janta ko gumrah nahi kar paya* ('In this election, not one political party was able to don the garb of secularism to make the people lose their way').

The re-elected government moved swiftly in July to outlaw [triple talaq](#), whereby Muslims could divorce their wives simply by uttering the decree three times. In August it [scrapped Article 370](#) of the Constitution that had guaranteed Kashmir's political autonomy as India's sole Muslim-majority province. The failure of institutional bulwarks against the assault on freedoms has been just as dispiriting. One after another, parliaments, political parties, media and the judiciary have failed in their duty to hold the executive to account even as the [cult of personality](#) gathers pace around Modi. Anything he seeks or does is granted and ratified by a cipher cabinet and lauded by a sycophantic media. In November 2019, the Supreme Court of India held the 1992 demolition of the 16<sup>th</sup> century Babri mosque in

Ayodhya by Hindu mobs to be illegal, but then gave permission to build a temple on the site to the Hindu god Lord Ram. To many analysts it seemed that the highest court had in effect [endorsed](#) 'the act of vandalism by awarding the land to the Hindu parties.... Such an outcome further entrenches the sense that India is a majoritarian state where mob rule by the majority can be given the imprimatur of state authority'.

While most countries are moving to proscribe hate speech, India is [embedding hate in law](#) by criminalising religious conversion for interfaith couples. From 24 November, UP outlawed the conversion of Hindu women to Islam in order to marry a Muslim man and some other BJP-ruled states quickly followed suit. In due course, hopefully this will be struck down by the Supreme Court as unconstitutional but in the meantime, it adds to the growing list of illiberal, authoritarian and anti-Muslim acts by BJP governments. For fanatics, Hindu girls do not marry Muslim men of their own volition but are victims of '[love jihad](#)' aimed at converting India into a Muslim nation. Love jihad laws ostensibly protect Hindu girls from predatory Muslim men. In reality, they betray the condescending assumptions that women are weak and passive victims without agency, the property of men, with no right to make their own choices. As [Saba Naqvi observed](#) in *The Indian Express* on 31 December, the law results 'from a visceral hatred of the Muslim male and the need to show him his place, a process that is of a piece with the political tactics and the hearts and minds of those who rule the nation's most populous state'. But it is making some regional parties in coalition with the BJP increasingly nervous, with one Bihar-based party sharply criticising the anti-conversion laws for sowing '[hatred and division](#)' in Indian society. Hindu chauvinists have also targeted the reconversion of Christians and Muslims as symbols of [ghar wapsi](#) ('homecoming'), on the grounds that in 1,200 years of Muslim rule (culminating in the Mughal Empire) and Christian rule (as part of the British Empire), state power was used to convert Hindus to these two foreign religions.

### **Adulterating Muslims' Citizenship**

Adulteration of consumable foods and drinks is a common problem in many parts of India. Adulterating the citizenship of particular ethnonational groups is a novel phenomenon. In December 2019 the government passed the [Citizenship Amendment Act](#) (CAA), deepening the sense of siege of the country's Muslims. The CAA was bulldozed through both houses of Parliament in three days with no advance consultation with opposition parties or civil society. It is [arbitrary in the choice of countries of origin and discriminatory in selection of religious minorities](#): it provides preferential pathways to Indian citizenship for non-Muslim minorities from Bangladesh, Pakistan and Afghanistan. It was meant to be complemented last year by the [National Register of Citizens](#) (NRC) and the [National Population Register](#) (NPR), although the coronavirus pandemic seems to have put the project on hold. Their collective aim is to turn India's Muslims into second-class citizens. Government denials are disingenuous in light of the high-profile and widely discussed incidents of 2014–19. In a document-poor country—[only 61 of 70 lawmakers](#) in Delhi's territorial assembly have a birth certificate—they will empower authorities to declare, with a bias against Muslims, that even people born in the country should be disenfranchised and held in detention camps, simply because, like the vast majority of Indians, they cannot provide documentary evidence of citizenship.

The measures are indefensible in principle, infeasible in practice, and anti-national in consequence. The CAA's stated justification is the need for sanctuary for religious minorities suffering persecution in the neighbourhood. The Constitution's definition of citizenship is universal, inclusive and secular. Because the CAA is arbitrary and discriminatory, there is a good chance India's Supreme Court will hold it to be unconstitutional. India's humanitarianism would have won plaudits, not criticism, if all persecuted minorities in all the neighbouring states, including Islamic sects, were granted accelerated citizenship. In Myanmar, which unlike Afghanistan shares a border with India, the [Rohingyas have suffered well-documented atrocities](#) bordering on genocide. They are not welcome in Modi's India.

The state lacks the capacity to implement the NRC efficiently. Based on the Assam experience that took four years to complete in 2018, it could cost around \$9bn – [two-thirds of the entire education budget](#). In a country with patchy official documentation, it will involve people queuing for hours, a follow-up round of verifications as millions cannot prove citizenship initially (this happened with 4 million people in Assam whose population is only one-fortieth of India's), extortion by petty officials, and the appeal courts overloaded for years when there is already a mountainous backlog of cases. Those who cannot establish Indian identity (as with [1.9 million in Assam](#)) will become stateless but cannot be deported. They will end up in detention centres raising even more logistical, financial, legal and ethical concerns.

Mohammad Nur Hussain, 34, his wife Sahera Begum, 26, and their two young children are natives of Assam. The police began investigating their citizenship credentials in 2017. The cut-off date to establish Indian identity in Assam is 24 March 1971. The names of Hussain's grandparents feature in the 1951 NRC of 1951 and his father and grandparents also appear in the 1965 voters' list. Begum's father can be found in the 1951 and 1966 documents. The family also has land documents from 1958-59. Despite this, in May 2018 and March 2019, respectively, the indigent and illiterate wife and husband were declared to be illegal foreigners by an administrative tribunal. They were arrested in June 2019 and held in a detention centre with their children. Their case was taken up by a human rights lawyer and finally, on 16 December 2020, their citizenship was confirmed. ["They called us illegal. How is it possible?"](#), they asked. Good question. Only in Modi's India, is the answer.

The CAA pricked the constitutional conscience of India's students who flooded the streets in protest. Many Indians, from former Congress cabinet minister and onetime candidate for UN Secretary-General [Shashi Tharoor](#) to human rights defender and social activist [Harsh Mander](#), felt encouraged by the surge of spontaneous civic engagement by the youth in defence of foundational values. Muslims took heart from the show of mass solidarity.

The students were met with the full force of the state's jackboots and the party's bilious vilification army. On 15 December 2019, speaking at a state election rally in Jharkand, Modi issued a high-pitched dog whistle. Who are the protestors, he asked: [woh unke kapdon se hi pata chal jata hai](#) ('they can be identified by their clothes', meaning hijab-clad women and bearded men in skullcaps). Taking his cue from Modi, a senior police officer berated a protestor: ["Go to Pakistan"](#) – a sign of how deep the rot is in India's institutions under Modi's tacit tolerance of the cancer of religious bigotry. On 2 January 2020 Modi, the prince of

whataboutery, made the bizarre suggestion that CAA opponents should be [protesting instead against the treatment of minorities in Pakistan](#).

[Footage](#) of police brutality against students at Jamia Millia Islamia and Aligarh Muslim University, plus police as silent spectators when BJP-affiliated armed hoodlums thrashed students and professors at Jawaharlal Nehru University, shocked and galvanised Indians across the country. Meanwhile in [Shaheen Bagh](#) elsewhere in Delhi, the ongoing sit-in protest by women welcomed the New Year with songs of independence and the national anthem. A 90-year-old woman said: 'My son's name is Faizan, his father's name is Imtiaz, his father's name was Fakhruddin, his father's name was Riyaz, his father's name was Akbaruddin, [let this Modi come and ask me if I belong here. I'll show him](#)'.

As violence flared in December in anti-CAA protests across Uttar Pradesh (UP), the most populous and politically most consequential state, Chief Minister Yogi Adityanath—an inflammatory Hindu preacher but a political neophyte who was hand-picked by Modi as head of the state government—issued an ominous threat. The protestors had been identified through video and CCTV footage, and [inse hum iska badla lenge](#) ('we will take revenge against them for this'). He received praise from BJP's Bengal chief Dilip Ghosh for having [shot protestors 'like dogs'](#). The irony is that many senior BJP leaders shot to prominence for cutting their political teeth as young protestors, including [Modi himself in Gujarat in 1974](#), and others who agitated against Indira Gandhi's draconian Emergency in 1975. In an escalation of the assault on the foundations of the rule of law, in December 2020 the [police raided the offices of Mehmood Pracha](#), the lawyer for many of those charged in the January–February riots. They were looking for incriminating documents and seized his computer.

## The Symbolism of Shaheen Bagh

The months-long sit-in protest in Shaheen Bagh finally [ended only with the coronavirus pandemic's social distancing](#) requirements. The protestors channelled both Mahatma Gandhi and Pastor Martin Niemöller's poignant lament about the failure of German intellectuals to speak out against atrocities against targeted groups, so that by the time they came for him, there was no one was left to speak for him. A placard exhorted: [Don't be silent, don't be violent.](#) [Three grandmas](#) were chosen to unfurl a 55-foot national flag with pride and joy. One, Radhika, is the Hindu mother of [Rohit Vemula](#), a dalit (oppressed) Ph.D. student who committed suicide in January 2016 because he could no longer cope with the caste oppression in his university hostel in Hyderabad. Another, Sairo Bano, is the mother of [Junaid Khan](#), a 15-year-old Muslim victim of hate lynching by a gang of murderous Hindus in June 2017.

Protests began spontaneously and escalated rapidly to become the [largest in decades](#). They represented the most significant mass mobilisation against the Modi government. No other democratic country has experienced comparable mass mobilisation in defence of its core democratic identity against the elected government. To underline the significance, it's worth remembering that India is the world's biggest democracy, and then some: the size of its electorate is bigger than all the Western countries combined. Just the number of Indian

Muslim voters exceeds the total number of voters in all Western countries other than the US.

In common with nationalist parties everywhere, the BJP projects itself as the party of muscular nationalism and derides other parties, especially the Indian National Congress party, for being too ashamed to adopt the outward symbols of national pride. It came as a rude shock therefore when students, women and other protestors across the country, including Muslims in particular, appropriated the nationalist symbols with spontaneity and gaiety to celebrate their core Indianness. The tricolour was adopted as the symbol of the protest, the national anthem became its song, and the Preamble to the Constitution the vocabulary. On Republic Day, Jamia Millia students read aloud in public spaces the Preamble to the Constitution—which proclaims liberty, equality, justice and fraternity for all Indians and respect for all faiths—in Hindi, English and Urdu (the language of India's Muslims) before raising the tricolour and singing the national anthem.

In the process the women and the youth of India articulated a counter-narrative of patriotism and reset the terms of engagement between citizens, the government and the Constitution. This is all the more striking for diverging from the trend to identitarian politics in many contemporary Western democratic societies, for example the '[Great Replacement](#)' theory propounded by Frenchman Renaud Camus. The BJP's slogan of 'Akhand Bharat' (indivisible India) has an external reference point: India's territorial integrity is sacrosanct and no foreign power will be allowed to break apart any part of it. The protestors 'domesticated' the slogan: no Indian political party will be allowed to threaten the national integration of India by labelling and compartmentalising them into identity groups divided by religion and caste.

The country's unity thus becomes a sacred obligation entrusted by the Constitution to every citizen. The hijab-clad and tricolour-draped young Muslim women challenged Modi's December 2019 dog-whistling narrative directly by instrumentalising the Constitution for framing their engagement with democratic politics. Furthermore, and just as important, they articulated their demands and asserted their rights as Indians, but without sacrificing their Muslim identity. And by directing their demands and rights at the elected government, they expanded the conception of liberal democracy once again, rescuing it from the majoritarian trap into which the Modi government had put it.

In other words, democracy, citizenship, constitutional governance and minority rights are all forged into one powerful national identity. They emphatically and visually rejected the BJP's efforts to downsize their destiny as India's Muslims and instead reimagined the idea of a liberal, pluralistic, tolerant and inclusive India embodied in the Constitution.

### **A Revolution of Aspirations as *Indian Muslims***

This is revolutionary, for the government had put on notice the whole notion of citizenship in modern India as a legal status, a bundle of entitlements and rights, and as civic identity and belonging to one's homeland as a birthright. Refusing to be pigeonholed into victimhood and to be shorn of agency, they expanded the BJP's political agenda to challenge PM Modi: what kind of India do *you* want? One trapped in the prison of past glory, where ancient

Hindu texts replace modern science and technology in the classrooms; addressing Parliament on 12 December, a BJP MP claimed that [speaking in Sanskrit can keep diabetes and cholesterol under control](#) (he spoke in Hindi). Or one that puts in place policy settings to maintain social cohesion today and achieve greatness tomorrow? A direct consequence of this is that the tables were turned and the BJP and Modi government stood accused of constituting a clear and present danger to the Constitution, national unity and territorial integrity of India.

The protestors picked up yet another rousing song called [azadi](#). The literal translation of the single word is freedom, but as a concept it is multidimensional and includes the historical weight of India's independence struggle as well as freedom from want, violence, oppression, inequality and discrimination. And thus it is that the words of the song referenced the azadi of [B. R. Ambedkar](#), the dalit leader who drafted the Constitution, as well as Gandhi who preached and died for inter-faith harmony, social cohesion and an end to the all-pervading indignity of poverty.

Citizenship in the democratic Republic of India was forged in the crucible of the independence struggle—'azadi' from British colonial rule—that was essentially a mass civil disobedience movement led by Mahatma Gandhi. Thus, the wellsprings of legitimacy of the strategy of nonviolent civil disobedience lie in nationalist origins and are fused inseparably into the drive for full citizenship in a free India. This makes it impossible for any Indian government to discredit and delegitimise dissent expressed through peaceful mass mobilisation. Protests and civil disobedience are potent symbols of collective aspirations of the community for a new, better and brighter India.

Patriotism was disconnected by the protestors from sectarian identity based on religion and caste and relocated in the Constitution. The protests sparked a sustained debate on the nature and meaning of the Indian Constitution and the rights and protections conferred on citizens and minority groups. In that sense they became powerful and effective instruments of mass civic education on citizenship in a liberal democracy. Therein lies the Gandhian political genius of dressing the protests in the national flag, anthem and Constitution. As the veteran journalist [Shekhar Gupta noted](#), India's core attributes as a global brand include an argumentative democracy, an opinionated society, a chaotic and cluttered but nonetheless inclusive governance, and living in comfortable ease with diversity.

### **International Reputational Damage to 'Brand India'**

Refusing to learn, of late BJP stooges have even gone after Amartya Sen, one of India's rare Nobel laureates, because he has been critical of Modi's economic and social policies. Based on what, *prima facie*, look to be [trumped up charges](#) of land misappropriation, an *éminence grise* who should inspire national pride is to be dragged into the gutter to be ritually shamed and humiliated. Nor do the Hindu zealots spare Muslim war heroes. Brigadier Mohammad Usman, a decorated war hero from the 1947–48 war with Pakistan over Kashmir, is buried in a cemetery in Delhi. In December his [grave was vandalised](#) by miscreants but the Indian Army carried out the necessary restoration work promptly.

The CAA-NRC issue has split Indians at home and the diaspora abroad, risking dismemberment by undermining social cohesion, political stability and economic recovery, while draining [diplomatic capital](#). The contrast could not be starker between the frisson of excitement in the year following Modi's 2014 victory and the escalating concerns over his authoritarian instincts today. India's global influence expanded rapidly in the 21<sup>st</sup> century with impressive economic growth; an overdue acknowledgment of its vibrant pluralistic democracy; the growing recognition that India's Muslims had successfully integrated into the Republic's secular democracy to constitute an effective bulwark against the spread of Islamist radicalism southeast from Afghanistan-Pakistan; and the emergence of its diaspora as an increasingly influential lobby in several key countries.

Modi managed to reposition India as a counterpoint to Pakistan just when New Delhi had succeeded in distancing itself from the old lazy habit of outsiders always hyphenating it with Islamabad. Good relations with Bangladesh was just another roadkill on the Hindutva highway. In September 2018, Home Minister Amit Shah—the second most powerful politician in the country—used the language of '[termites](#)' for allegedly illegal Bangladeshi immigrants who would be thrown into the Bay of Bengal. Amidst the turmoil of the CAA-NRC controversy, an irritable [Foreign Minister AK Abdul Momen](#) told the *Dhaka Tribune* on 10 December 2019: 'They have many problems within their country. Let them fight among themselves'. Pakistan's schadenfreude at India's own goal was palpable.

In the US, especially after the crude embrace of Trump at the '[Howdy, Modi](#)' event in September 2019, the two-decade-old bipartisan pro-India consensus was shattered with growing hostility in the Democrat-controlled House. Representative Pramila Jayapal (D)—the first Indo-American woman elected to the House who was shunned by India's foreign minister during a US tour—promised to persist with her attempts to [hold India accountable](#) for alleged human rights abuses. From January 2021 the Democrats have control of both houses of Congress and also the White House and Kamala Harris, whose mother was Indian and who too has been critical of India's drift from human rights standards under Modi, is the Vice President. The ripples have also spread to Europe and the UK. International investor confidence will take a big hit with the escalation of religious tensions.

## Back to the Future

Before the painstakingly curated goodwill, respect and admiration for India dissipates completely, Modi must urgently restore a functioning system of domestic political accommodation and economic vitality. The 'strongman' Modi government has been sacrificing respect for legitimate authority. After the first iteration of a strict lockdown to combat the [coronavirus pandemic](#) in March 2020 which banned interstate movement of people, thousands of suddenly unemployed and stranded migrant labourers set out on foot, carrying their children, to walk hundreds of miles to their home villages in mass defiance of the draconian rules. People who become used to resisting citizenship, religiously discriminatory laws and coronavirus diktats will now find it easier to evade other, less arbitrary regulations in the future, to ignore and challenge the idea of authority, and to deepen their contempt for politicians who make arbitrary laws. When a critical mass of people begins to regard laws as arbitrary, unjust, intrusive and infantilising, they will defy

them. Unless they are all charged, convicted and punished—an impossible condition with masses of people—this will degrade the whole rule of law.

China's Communist Party never admits to mistakes but always learns from them. India's PM Modi never admits to mistakes and seems too stubborn to learn from them. He calls to mind Barbara Tuchman's description of Philip II of Spain: 'No experience of the failure of his policy could shake his belief in its essential excellence'. The transition to a post-Nehruvian order will require the 'politics of trust, credibility, inclusion and consensus building', [says Yamini Aiyar](#), president of the Centre for Policy Research, a think tank in New Delhi. 'A divisive, polarizing rhetoric, populist leadership and coercion can help propel parties to power', but will not be sufficient to create a self-sustaining social and political cohesion. 'The government may still brazen it out, but the policy agenda and credibility is considerably weakened,' she concludes.

It may be that Modi has come to realise the damage to external relations that has been caused by the domestic politics-focussed Hindutva agenda. He had gone out of his way in his first term to court Islamic and Arab countries like Bangladesh, Afghanistan, Saudi Arabia and the United Arab Emirates with considerable success. All these initiatives were at serious risk of unravelling because of the Hindutva push. Modi's speech at Aligarh Muslim University on 22 December 2020 was [notably conciliatory](#).

When the Indian national anthem was sung at the start of the Australia-India cricket test match in Sydney on 7 January 2021, TV cameras zoomed in on the face of Mohammed Siraj, the son of an auto-rickshaw driver from Hyderabad playing in his first series in national colours. [Tears rolled](#) silently and poignantly down his face as the emotional weight of the symbolism hit home. But to Hindutva fanatics, his loyalty to the country of his birth and that of his ancestors for several generations will always be suspect. Modi must reverse the sectarian polarisation, rein in the hate-spewing Hindutva mobs and practice as well as preach inclusion. An excellent role model for him to emulate is New Zealand PM Jacinda Ardern whose brilliant performance in the immediate aftermath of the [Christchurch mosque massacres](#) in March drew global praise. Three snapshots will illustrate the point, as indeed photos of all three illustrations went viral around the world. Her tag line 'They are us' was a powerfully resonant bumper sticker slogan for encapsulating inclusiveness of the Muslim minority. She wore a hijab when visiting the mosque. Modi has donned many a colourful headgear over the last five years but not once has he appeared in a skull cap – and the snub has been noticed. And, Ardern instinctively reached out and physically embraced Muslim men and women survivors and relatives of the massacre.

Delivering the annual Gandhi Peace Foundation lecture on Gandhi's birth anniversary on 2 October 2020 in New Delhi, prominent activist-lawyer [Prashant Bhushan](#) described the serial attacks by the Modi government's hit squads on minorities and journalists who question the fundamentally discriminatory laws and the creeping encroachment on the independence of institutions as 'an assault on dissent by the use of fundamentally unjust laws'. He concluded that were Gandhi alive today: 'He would have lauded and led the protests and would surely have launched a *Jail Bharo Andolan*, daring the government to incarcerate millions of peaceful protesters from across the country. It is this courage in adversity that Gandhi would have displayed in leading India today' – as indeed did the ladies of Shaheen Bagh a year ago.

## The Author

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