

## LIBERTY WATCH - INDIA

In December, the Bharatiya Janata Party (BJP) government led by Prime Minister Narendra Modi and Home Minister Amit Shah continued its push towards making India into a majoritarian state - continuation of past anti-minority trends, especially since having been voted back to power in May 2019 with a heftier electoral majority. This was accompanied by country-wide protests by Muslims and civil society activists, especially students that drew harsh police response, resulting in scores dead and thousands detained. As the year ended, India seemed more embattled than it had ever been for several decades, with the future of its religious minorities, especially the country's 200 million Muslims, hanging in balance.

A full-blown assault was launched on the secular ethos of the Indian constitution, with the expressly discriminatory Citizenship Amendment Act (CAA) 2019 being [pushed](#) through both houses of Parliament. The CAA, which significantly eases the path to Indian citizenship for all persons fleeing religious persecution in Afghanistan, Bangladesh and Pakistan, expressly excludes Muslims from its ambit. It would also give a potential workaround for all Hindus who have been excluded from the disastrous National Register of Citizens (NRC) exercise in Assam, which has already [pushed](#) 1.9 million people one step closer to statelessness. With the BJP declaring its intention to extend the NRC to the rest of the country, India now stares at the very real [possibility](#) of the mass disenfranchisement of its large Muslim population.

The passing of the CAA 2019 resulted in immediate eruption of protests across the country, with those most vulnerable to loss at the forefront, supported by students groups and mix of civil society and human rights focused groups. Notably it is in BJP-ruled states where protests have resulted in violence, authorities claim by protesters targeting police and public property, but a wealth of evidence emerging now shows by authorities themselves, firstly to prevent protests, and then, the use of excessive force arbitrarily against civilians. This has resulted in a total of 27 [deaths](#) of civilians reported from across the country, almost all result of 'firearm wounds' and thousands of detentions, including minors and custodial torture, besides police [vandalizing](#) of private property. No police personnel have been reported killed anywhere in the country, although injuries have been reported.

Anti-CAA protests first erupted in in north-eastern states, being particularly widespread in BJP-ruled **Assam**, where the party is accused of communalising an ethno-linguistic issue besides providing undue amnesty to Hindus deemed non-citizens through the ongoing NRC process there, thus violative of the [Assam Accord](#). In police crackdown against protesters at least [five](#) persons lost their lives, and some 393 were [arrested](#), including popular peasant leader [Akhil Gogoi](#), who could be the first individual to be tried under the newly amended Unlawful Activities (Prevention) Act, 2019. Internet services were also blocked in the state for over a week, till the Guwahati high court [intervened](#).

In BJP-ruled **Karnataka**, violence occurred in Mangaluru district, where two protestors were shot dead by the police, who also [barged](#) into a hospital and lobbed tear gas shells inside. Earlier, Karnataka police had also ordered the [detention](#) of at least nine journalists from Kerala. In **Tamil Nadu**, ruled by BJP ally AIADMK, two journalists were booked under non-bailable sections by the police for seeking to [interview](#) Sri Lankan Tamils, a community that was left out of the ambit of the CAA. In Chennai, eight people including five women were [detained](#) by the police for drawing *kolams* (*rangolis*) to air their dissent against the CAA and the NRC. In northern **Bihar**, also ruled by a BJP-alliance, a teenager was found [murdered](#), in what police believe to be the work of persons associated with Hindu extremist groups taking advantage of anti-CAA protests. In national capital **Delhi**, where law and order is under the control of the BJP ruled-central Home ministry, hundreds of armed policemen [stormed](#) the Jamia Millia University campus on 15<sup>th</sup> December, lobbing tear gas shells - including inside a crowded library - and firing bullets. Hundreds of students were injured, and scores detained. Earlier students had been stopped by the police from undertaking a march to the Parliament, and [at-](#)

[tacked](#) with batons, tear gas, stones and sticks, leaving several injured. Police unleashed similar brute force in localities inhabited by working class Muslims in the city, like [Seelampur](#) and [Daryaganj](#), from where 8 minors were illegally detained.

The crackdown on protesters was, by far, the [most brutal](#) in **Uttar Pradesh** (UP), home to 45 million Muslims and ruled by the BJP. In [Aligarh](#), on the same day Jamia University was stormed in Delhi, UP police wreaked havoc at Aligarh Muslim University, injuring over a hundred students and detaining scores more. Police crackdown elsewhere in the state began from 19<sup>th</sup> December with [Meerut](#), [Bijnor](#), [Kanpur](#), [Sambhal](#), [Bulandshahr](#), [Firozabad](#), [Muzaffarnagar](#) and [Lucknow](#) being among the most affected districts. Media reports have revealed several harrowing stories: policemen shooting [live bullets](#) at crowds; an [8-year-old](#) who was trampled to death in a stampede; policemen and Hindutva activists [jointly](#) ransacking and looting Muslim homes and businesses; children being detained, [tortured](#) and [raped](#) in police custody; a cancer patient being [denied](#) medical treatment, despite a court order; a senior policemen caught on camera [threatening](#) Muslim villagers and asking them to go to Pakistan; Muslim-owned shops and businesses being [seized](#); innocent Muslims being served [notices](#) to pay compensation. The death toll of Muslims in the state due to the crackdown has [crossed](#) 20. At least 1246 people have been [arrested](#), charged under various sections of law, and at least 5558 kept under preventive detention. These include several prominent human rights [defenders](#).

Notably, anti-CAA protests in [non-BJP states](#) passed off [peacefully](#), with authorities maintaining the peace, but also allowing civilians to exercise their democratic right to [dissent](#). No executive orders for Internet shutdowns, restrictions on assembly or protest, or preventive detentions – the pattern among BJP ruled states – have been reported from those ruled by other political parties. And no violence has been reported. In Trinamool Congress-ruled [West Bengal](#), train coaches were reported [burnt](#) in protest violence, later [attributed](#) to BJP cadres seeking to foment trouble.

Rather than douse tensions, senior BJP leaders have chosen to inflame them, thus adding fuel to the fire. PM Modi has been reported as saying that those who were protesting against the CAA could be identified by the [clothes](#) they wore – a dog whistle reference to Muslims, given their use of skull caps and scarves. UP CM Yogi Adityanath has spoken of exacting ‘[revenge](#)’ on protesters. He later [gloated](#) on Twitter how the “*raudra roop* (ferocious face)” of his government has stunned and silenced “every rioter and demonstrator”. A senior BJP minister in the centre “[directed](#)” police to “shoot on sight” anyone destroying public property. A BJP minister in Karnataka [warned](#) the protesters not to “test” the majority community’s “patience”. The BJP’s fake news machinery has also gone into overdrive, regularly [peddling](#) doctored videos and news that seek to portray anti-CAA protestors as anti-Hindu, anti-India and pro-Pakistan. Numerous pro-CAA rallies have also been organised in cities across India, where murderous [slogans](#) are being raised.

Anti-CAA protests and the international criticism that has followed – with UN, USCIRF, OIC besides HRW, Amnesty voicing serious concerns - have caused the BJP government, apparently, to rejig its PR strategy. PM Modi seemed to [contradict](#) HM Amit Shah’s [repeated](#) assertion that a pan-India National Register of Citizens would be implemented soon. Shah himself seemed to [backtrack](#), claiming that there was “no discussion yet on it (the all-India NRC)” in the Cabinet or Parliament. Modi and Shah seem to have instead opted to implement the NRC by stealth. On the 24<sup>th</sup> December, the central Cabinet approved funds for the updation of the [National Population Register](#) (NPR) in 2021, an exercise that numerous official documents have revealed is a [precursor](#) to the proposed National Register of Indian Citizens (NRIC), the all-India NRC, confirming fears that the talk of using the all-India NRC to mark out doubtful Indian citizens and then the CAA 2019 to filter out all except Muslims from that list, to provide a safety net to Indian citizenship was not all just rhetoric.

As many as 60 suits have been [filed](#) in the SC against the discriminatory nature of the CAA 2019, and its violating India’s secular constitution. The Court has decided to [hear](#) these on the 22<sup>nd</sup> of January 2020. Even as this last chance of seeing an unjust law being dismissed holds hope, those excluded

from the NRC exercise in **Assam** – 1.9 million persons – await their fate. Whilst Hindus from among them, have been assured protection of CAA, Muslims are being reminded that there is little hope left for them.

Away from the din of anti-CAA protests, **Kashmir** entered the fourth month of its forced isolation, with Internet services down and over 500 persons still in detention, most under the draconian [Public Safety Act](#) (PSA). As per ground report by JKCCS and APDP, as many as [412](#) Habeas Corpus petitions have been registered (with J&K High Court) since August 5, all for PSA detentions. Disturbingly, despite various testimonies and [ground reports](#) stating detention and torture of minors in custody of authorities, the Supreme Court dismissed a suit asking for redress, basing its judgement on authorities' versions (Juvenile Justice Committee of Jammu and Kashmir High Court and J&K Police). Internet shutdown in Kashmir has become the [longest ever](#) in a democracy. Challenges to this executive action in the Supreme Court have not elicited much response, even though in similar circumstance of Internet shut down in [Assam](#) and [Kerala](#), respective High Courts forced state governments to rescind those orders and restore Internet. And Allahabad High Court deemed that right to continuous Internet was part of [Right to Life](#) guaranteed in the constitution. In December, the central government [clarified](#) that no special status would be granted to J&K under Article 371 of the Indian Constitution, which grants special land and cultural rights to residents of several other states with large indigenous populations. And to make land transfers to outsiders more easy – thus whittling down safeguards for the indigenous population, central government [transferred](#) the authority of land registration and transference from the J&K High Court to a new Registration Department set up under the Revenue Department of the Union territory. Earlier, it had also opened up public services in the state – including in the higher judiciary – to all Indian citizens, with no preference for local residents. These moves are reinforcing fears among Kashmiris of a forcible and irreversible integration of the state with the rest of India.