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Mahatma Gandhi Would Have Approved

By: Harsh Mander

On the 72nd death anniversary of Mahatma Gandhi, we can state that the Mahatma would have supported the peaceful nation-wide protests against measures that would discriminate between citizens based on their religion, protests led by students and women.

A hundred years have passed since a battle was launched for the soul of the ancient land of India. At stake was the country which the people of India would together build after the British left our shores.

This was the time when Mahatma Gandhi returned from South Africa to join India's freedom struggle. In his leadership of three decades, a majority of Indians — Hindu, Muslim and of other faiths — shared his vision of a country resolutely inclusive and humane, which would welcome people of every belief and ethnicity to be equal citizens with equal rights. This ideal lay at the foundations of the constitution of the new republic, crafted under the care of Babasaheb Ambedkar.

This goal was bitterly contested all these hundred years by the Hindu Mahasabha, founded around 1915, and by the Rashtriya Swayamsevak Sangh (RSS) in 1925. Their vision for India was of a nation exclusively for India's Hindu majority, in which Muslims and Christians would be 'allowed' inclusion only as second-class citizens. Though less explicitly enunciated, people of disadvantaged castes and tribal ethnicities would also be lesser citizens.

The turbulent combat eventually took a toll of over a million lives, including that of Gandhi, and caused perhaps the largest cataclysmic displacement of human populations in history.

Today, India finds itself at a decisive phase of this same battle. The country is led today by men who have spent all their adult lives as staunch members of the RSS. They believe their time has come, to remould India into the muscular and resentful nation of their imagination.

This transformation did not happen suddenly. The corrosion began in the early decades after Independence. The 1980s, in particular, saw vast fractures crack India's plurality: calamitous communal massacres, regressive mobilisation against the rights of Muslim women, a violent mass campaign led by the RSS to destroy a mosque in Ayodhya, to demonise the Muslim, and to construct a sense of permanent grievance in the Hindu people.

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Since 2014, however, India has hurtled far more rapidly downwards to become a country increasingly dangerous and unwelcoming to minorities, especially its vast Muslim populace. Fear and hate have become inseparable from public life, for both minorities and for those who stand with them. Elected leaders flaunt hate speech, legitimising and valorising bigotry and hatred, which have become the dominant markers of social life. Crowds gather to lynch Muslims and Dalits in the name of protecting the cow, and proudly post videos of the lynching on social media. Relationships between Muslim men and Hindu women are stigmatised as love jihad. Christian priests, nuns and shrines are attacked. Dissenters are pilloried as anti-national. A new slur bandied by even the Prime Minister is something called 'Urban Naxal' or urban Maoist.

In the midsummer 2019 elections, the BJP government won an expanded mandate, despite economic collapse, mounting farm distress and unemployment peaking to a 45-year high. This has been interpreted by the leadership as a mandate to implement their alternate vision for India as a land only for Hindus. They have moved with resolve and swiftness, hubris and recklessness. Diminishing Kashmir to a Union Territory, the law criminalising triple talaq, and the judicial ruling for a Ram temple at the site of the demolished mosque, all fulfil the long-prized agenda of the RSS.

The next pivotal step for this raging juggernaut was to create in December 2019, by law for the first time, a hierarchy of citizenship rights based only on religion.

Under constant siege, weather-beaten and broken, the edifice of India's Constitution has still endured so far. This, despite numerous onslaughts, and mounting rapid-fire especially since the expanded mandate to the Modi government in May.

However, if the Government is allowed to implement the Citizenship (Amendment) Act (CAA), it is clear that India's constitutional structure will cave in. The Constitution will not need to be rewritten. But its soul – which is also the soul of the Indian republic - will be annihilated. A new nation will emerge from its rubble – wrathful, muscular, majoritarian, and inhospitable to its minorities.

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This law weighs upon tangled contestations of belonging and rights. Who belongs to India, and on what terms? And indeed, who does India belong to? Citizenship ultimately is the right to have rights. Who in this country should have rights, and from whom should these be withheld?

The answer to these fraught questions were settled within the humanist and inclusive framework of the Indian Constitution. The lustrous central premise of the Constitution is that religious faith has no bearing on eligibility for Indian citizenship. India belongs equally to its Muslim, Christian and Parsi residents, as much as to its Hindus, Sikhs, Buddhists and Jains.

It was questions of belonging and religion as politics that tore India apart. The Muslim League regarded religion as key to citizenship; therefore, India was not one but two nations – Hindu India and Muslim Pakistan. Savarkar, founder of the Hindu Mahasabha concurred. India's constituent assembly steadfastly rejected this idea that India belonged only to its Hindu majority. India's first Prime Minister Jawaharlal Nehru declared, 'We accept as Indian anyone who calls himself a citizen of India'.

By introducing the CAA, the BJP-led government has deliberately reopened old wounds, reviving old fears, anxieties and hatreds of Partition. It in effect endorses the two-nation theory, by creating a hierarchy of citizenship based on religious faith, excluding Muslim immigrants from this hierarchy.

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The moral fig leaf offered is that this intends to provide refuge to people suffering religious persecution in neighbouring countries, Pakistan, Bangladesh and Afghanistan. If religious persecution was truly to become the yardstick for eligibility for Indian citizenship, then few neighbours are more tormented than the Ahmadiyas in Pakistan who face even death for even worshipping in a mosque, the Rohingya battling genocide in Myanmar, and the Uighurs held in internment camps in China.

Until 1987, to be eligible for Indian citizenship it was sufficient for a person to be born in India. Then, spurred by populist movements alleging massive illegal migrations from Bangladesh, citizenship laws were first amended to additionally require that at least one parent should be Indian. In 2003 the law was further amended to prescribe not just that one parent be Indian; the other should not be an illegal immigrant.

The amendment then prescribed the creation of a National Register of Indian Citizens (NRIC) as an instrument to identify 'illegal immigrants. Further, to identify 'illegal citizens' an NRIC would be prepared. The Rules then lay down that first a National Population Register (NPR) would be prepared as a comprehensive national record of residents, and from among them the executive would identify who are 'doubtful citizens'; and even other citizens could identify 'doubtful citizens.' This would open the doors for frightening communal targeting by even the lower executive and communal non-state organizations like the RSS.

The CAA is the harbinger of a National Register of Citizens (NRC). By passing the CAA, effectively the Government is clearly messaging that if people of any identity except Muslim are unable to produce the required documents, they will be accepted as refugees and given citizenship. This means that the real burden to prove that they are Indian citizens of the pan-India NRC after CAA is thrust on Muslims, because only they will risk statelessness. Most Indians would find it impossible to muster the required documents to prove their citizenship, but only document-less Muslims will face the prospect of detention centres, or being stripped of all citizenship rights.

For a republic built on guarantees of equality and non-discrimination on the basis of religion, creating thus a class of potentially stateless persons exclusively because of their religious identity would mark decisively the demise of India as a secular republic.

But spontaneous, mostly entirely peaceful protests have surged in every corner of the country against the CAA and the NRC. This will be remembered as an iridescent, extremely significant moment in the journey of the republic. This is because these are at their core popular moral assertions founded on fraternity, of the kind we have not seen for a long time. People are spilling onto the streets offering hope, solidarity and reassurance to those threatened by the politics of hate and fear. The protests mark a collective rejection of the toxic politics and policies which have come to dominate our public life in recent years.

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The ruling establishment has responded with its well-used playlist of attempting to communalize and discredit the protestors; to confuse people with falsehoods; and to deploy crushing state force. But this time none of this is working. The police brutalized students in the two national universities identified with India's Muslim heritage – Jamia Milia Islamia and Aligarh Muslim University. But the same night that news filtered in of injured Jamia students rounded up in police stations in Delhi, spontaneously large crowds gathered in the cold night outside the Delhi Police Headquarters and the various police stations, and they refused to move until in the early hours of the morning police was forced to release the students. Students and faculty from more than 50 universities around the country surged in their support. Sleep-deprived lawyers keep vigil every night outside police stations where protestors are detained.

The Prime Minister taunted the protestors saying he could identify them with the clothes they wear, an unmistakable reference to their Muslim identity. In response, people of every visible identity joined the protests, interspersed with people in skullcaps and hijabs proudly waving the national flag, confident and spurred by the solidarity of their countrywomen and men. Young people, with funny creative posters, slogans and songs, began waging a non-violent battle for a country founded on love and hope.

In recent years, for the first time, I had found my optimism ebbing. My personal politics has always been grounded in a dogged, even naïve optimism, of the inevitability human goodness, that hatred and tyranny will not prevail. But during our journeys of the Karwan e Mohabbat to families stricken by lynching, we found mobs, mostly of young people, targeting Muslim and Dalit victims with an inexplicable ferocity and cruelty, proudly videotaping their brutal slaying of defenceless persons. None came forward to save them. The police would encourage the mobs and criminalize the victims. The BJP was able to politically marginalize the Muslims by uniting every other caste and religious group in a pact of hate against them. I began to dread that India was trapped in a long dark night of hate. The protests led by young people celebrating Hindu-Muslim unity and the equal rights of people of every identity have reignited my hope. I am sure millions across India feel infected by this same optimism.

The popular movement led by India's young for solidarity, for Hindu-Muslim unity, for a just and kind country, indeed is picking up the unfinished business of the freedom struggle.

The import of this moment is that it is in its spirit the continuance of a battle which begun a 100 years ago. Mahatma Gandhi had returned from South Africa to lead India's freedom struggle, illuminated by a humane and inclusive nationalism, and the idea of a country which would welcome as equal citizens people of every faith and identity. The Hindu Mahasabha and the RSS, as we saw, had a different imagination for India, of a Hindu nation in which religious minorities would be forced to live as second-class citizens. The Muslim League too were convinced that Muslim minorities could never achieve equality and security except in a separate Muslim-majority country. Those holding power in India today seem determined to prove that Gandhi was wrong, and Savarkar and Jinnah were right. Young Indians, 70 years after Mahatma Gandhi was killed for this idea, and Babasaheb Ambedkar incorporated the idea of secularism and fraternity into our Constitution, have picked up the mantle of this same battle for a country which is equal, just and kind.

Many supporters of the ruling regime justify legislating differentiated citizenship rights based on religious identity, and the NRC, as necessary for completing the unfinished business of Partition. In spirited denial, tens of thousands of youthful, middle- and working-class peaceful protesters coursing on to the streets around the country are completing the unfinished business of the freedom struggle, and healing the wounds of Partition.

The Hindutva right believes that Partition will be complete only with the transfer of Muslim Indians to Pakistan and Bangladesh, and of the Hindus from these nations to India. They see Hindus as persecuted and trapped in the Muslim-majority countries in our neighbourhood, as well as in Muslim-majority Kashmir. They demonize Indian Muslims as a security threat to India, as violent, disloyal, intolerant - and misogynist and reproductively irresponsible. They never acknowledge the daily discrimination that Indian Muslims wrestle with.

The freedom struggle, on the other hand, was founded on the idea of equal rights of Muslims, and acknowledgment of their immense contributions to the making of India, to India's social, cultural and economic life, and to the struggle for independence.

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The 2019 elections results and the months that followed seemed to signal the hegemony of this social and political consensus, of the prior and higher right of the Hindu majority to the nation. Political parties almost across the spectrum, and all public institutions including the higher judiciary, the civil services, the armed forces, universities and the media seemed to accept this new consensus. The letter of India's secular constitution was not altered, but its spirit and indeed its practice increasingly stood reversed.

But this long night of darkness has suddenly been interrupted by bursts of light in every corner of the land. I have in these weeks attended and spoken in protests in various corners of the country. Our young people are rebelling against the hate that older generations have raised them in. The popular movement led by India's young for solidarity, for Hindu-Muslim unity, for a just and kind country, indeed is picking up the unfinished business of the freedom struggle.

In every one of these, you find people of visibly Muslim identity walking, standing, cheering in the company of non-Muslims, waving the national flag, holding defiant posters opposing division and celebrating our unity and solidarity. It greatly reassures Muslim citizens that the attempts to reduce them to the orphans of Partition have failed, that millions in this country emphatically reject the divisive imagination for India of the Hindutva right, that this remains the India of Gandhi and Ambedkar, whose pictures are raised high in every protest. These two leaders together embody both the politics and ethics of the movement stirring India today. There are three icons of every protest – the national flag, the national anthem and the preamble of the Constitution. With these, India is reclaiming the idea that to love one's country and one's religion, we don't have to hate any other; that true patriotism and faith include within these the love of all humanity.

You see solidarity shining through the posters. One reads: 'There are two words which break my heart: These are – Except Muslim'. Another is 'You divide. We multiply'. To protest the Prime Minister's taunt that he can recognize protestors by their clothes, carol singers in Kerala wear skullcaps and hijabs singing Christmas songs. A young Hindu man travels from Jabalpur to the protest in Delhi, strips in the cold to his boxer shorts, and then asks the Prime Minister to recognize him by his clothes. In Jamia, Muslim students wear Santa caps on Christmas at protest sites. Newlyweds circulate pictures holding posters – 'Say no to CAA NRC NPR'. Many write these in henna on their hands. Even dating sites like Tinder are used to spread information about the latest protests.

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The protest gave also broken fear. The posters are creative and cheeky. Many speak about the dangers of fascism, and the eerie echoes of Nazi Germany in India today. The similarities with Nazi Germany are indeed many. But Germany in the 1930s never saw the kind of pushback from non-Jews that India is witnessing today. And it never saw the federal resistance that many state governments are offering, by refusing to implement the NRC.

Regardless of how long the current protests against the amended citizenship regime, and attacks against university students persist, they have accomplished one thing. They have demonstrated conclusively that there is no hegemonic consensus in support of the idea of a Hindu Rashtra. That significant numbers of people of various religious identities, including Hindu, are opposed passionately to the divisive and majoritarian Hindutva idea of India. That the idea of India for which millions battled during the freedom struggle, of a country which would belong equally to people of every faith, of which the markers would be hope and equality rather than fear and dominance, were still precious to millions in this land. They are on the streets reclaiming these values of our freedom struggle.

Mahatma Gandhi would surely have approved.

This article draws in part on my earlier writings in the 'Indian Express' and 'The Hindu'.