

The Deeper Implications of India's Protests Against the Citizenship Act

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Summary

India has been engulfed with large-scale protests for over a month in the wake of the enactment of the Citizenship Amendment Act (CAA) in December 2019, which grants special privileges to non-Muslim refugees from Afghanistan, Pakistan and Bangladesh for the acquisition of Indian citizenship. While the protests will likely continue for a while, it is unlikely that the government will concede much. However, it is the longer-term impact of the protests, especially in terms of India's international standing and federal relations, that should be a cause for concern.

Introduction

More than a month has passed since large-scale protests erupted in the Indian state of Assam on 4 December 2019 against the introduction of a controversial amendment to the Citizenship Act.

The amendment, enacted into law on 12 December 2019, grants a preferential route to Indian citizenship to religious minorities from neighbouring Afghanistan, Pakistan and Bangladesh – namely, Buddhists, Christians, Hindus and Sikhs – who had settled in India prior to 2015. Muslims are excluded, based on the assumption that the community will not be discriminated against in these Muslim-majority countries (despite evidence to the contrary, like discrimination against Shia or Ahmadis in Pakistan).

The law sparked off large-scale protests throughout the country – the first pan-Indian spontaneous mobilisation in decades. Protests attracted large crowds and spanned the entire country. All major cities have been affected by demonstrations. At least 27 people have died in clashes with the police, most of them in the state of Uttar Pradesh.

Reasons behind the Protests

The reasons behind the protests vary. In the north-eastern part of the country, where the law is likely to have the largest impact, given the large influx of immigrants there from bordering Bangladesh, the amendment is seen as a way to grant Indian citizenship to a large number of Bengali-speaking Hindus. This might affect the delicate demographic equilibria of the area, where an anti-immigration agitation has been simmering since the 1970s. In North-East India, and in particular, Assam, protesters do not fear so much the changing demography in terms of religion; rather, they fear that Assamese – the state's official language – might be reduced to a minority language if a large number of Bengali-speaking residents are granted citizenship.

In fact, the need to protect Assamese was the main reason behind the implementation of the National Registry of Citizens (NRC) in the state, which aimed at identifying illegal immigrants. In the process, about two million people were left out of the list of recognised citizens, and their fate is now a question mark. The amended Citizenship Act could provide a preferential avenue to acquire Indian citizenship for those Hindus (and other non-Muslims) who were left out of the NRC list. This, the protesters believe, will compromise the whole idea behind the NRC, which, in their eyes, was supposed to lead to the deportation of those whose status as Indian citizens could not be verified.

In the rest of India, protesters challenge the constitutionality of the law, as it introduces religious discrimination as a key principle to become an Indian citizen. This is not just a matter of constitutional principle. As Home Minister Amit Shah has repeatedly pointed out, the amendment to the Citizenship Act is just the first step in a process aimed at identifying all illegal immigrants through an NRC to be implemented nation-wide. Given the difficulties in proving one's citizenship status – in the case of Assam, documentation proving one's residence status up to decades ago was necessary – this amendment might lead to millions of residents losing their citizenship and become stateless. In fact, India is already building large-scale detention camps for those failing to prove their citizenship. The protesters fear that many Indian citizens, particularly Muslims, could be stripped of their citizenship if the government goes ahead with its stated intentions.

Likely Scenarios

The protests are unlikely to fade away any time soon for a number of reasons. First, instances of police brutality – which have not only cost the lives of at least 27 people so far, but have also left hundreds of others injured – contributed to fuelling the protests and radicalising public opinion. Usually, when protests are met with what appears to be a disproportionate use of force, they tend to last longer as instances of police brutality and other abuses like mass detention add to the list of grievances. Second, even in parts of the country which have not seen large-scale violence, tensions remain high, which has led to an air of disquiet and dissatisfaction, particularly at university campuses.

On 6 January 2020, for example, an armed mob which included members of a student group affiliated with the Bharatiya Janata Party (BJP), attacked students and faculty at the Jawaharlal Nehru University in Delhi, and the police refused to intervene. While the incident is said to be unrelated to the citizenship protests, these events have contributed to further polarising opinions as students took to the streets across several Indian cities to protest inaction by the police to prevent the attack from happening. The situation in other university campuses like Jamia Milia University and Aligarh Muslim University, where the police entered hostels and libraries to arrest students, remains tense.

However, these protests are unlikely to be a breaking point in Indian politics or for the ruling BJP in the near-term. For one, without some form of organisation that can sustain this long-term mobilisation and take it forward, such as political parties or civic organisations, such movements tend to fizzle out with time. For the time being, there is no party with a national appeal willing to support the protests. (Many opposition parties had in fact supported the amendments in Parliament.) The main contender for such a role, the Congress party, has

been vague in its stance regarding the protests. It is keen not to be seen as a party that sides with the Muslims, which would give the ruling BJP ammunition and cost the Congress party valuable votes within the hard-line Hindu electorate.

The situation is different at the state level where some leaders of regional parties have strongly backed the protests. This is particularly true of West Bengal, where Trinamool Congress Party's leader and chief minister of the state, Mamata Banerjee, took the lead in the agitation against the national government. This is an important political development, given that West Bengal will go to the polls in 2021 and the BJP is expected to perform extremely well there. The protests are one way for the state government to consolidate its support bases and reinforce its image as the protector of the state's minorities. The Muslims constitute about 27 per cent of the population of West Bengal. Moreover, since those who were left out of Assam's NRC list were mainly Bengali-speakers, Banerjee has an added reason to confront the government on the issue.

The central government, however, is unlikely to back down. First, a survey by Indian polling agency CVoter in December 2019 shows that up to 62 per cent of voters support the legislation. While the details of the survey were not released – making it impossible to assess their validity – it is reasonable to assume that most Indians, who will not be affected by the Act, might either be supporting or not strongly opposing it, as the survey shows. Additionally, the BJP has tried to add a 'security lens' to the issue, pointing out how illegal immigrants could constitute a security threat.

It is also reasonable to assume that most of those who took to the street are not BJP voters. The BJP has, therefore, calculated that the political damage for the ruling party and for Prime Minister Narendra Modi should be limited, giving the BJP the wherewithal to stand its ground against the protests.

Second, the prime minister is unlikely to concede much to the protestors because this would go against the brand he has constructed around himself. Modi built his popularity around the idea that he is a strong leader capable of taking harsh and bold decisions, even if these are unpopular with some segments of Indian society. Even symbolic concessions in this instance would compromise this image of a tough, no-nonsense leader who gets things done – a perception that has underpinned his consistently high popularity. In short, although the protests may continue for a while more, we can expect the government to remain firm on its policy decision.

Longer-term Repercussions

Despite this, these protests could still create considerable repercussions for India. First, one should consider the economic cost. Internet shutdowns and curfews have been imposed in large parts of the country, which cripple economic activity. According to estimates by the Indian Council for Research on International Economic Relations, Internet shutdowns alone costed US\$3 billion (S\$4 billion) in losses between 2012 and 2017.¹ There are also very high

¹ Neelanjan Sircar, 'The cost of the protests — for the BJP, and the State', *Hindustan Times*, 12 January 2020. <https://www.hindustantimes.com/analysis/the-cost-of-the-protests-for-the-bjp-and-the-state-opinion/story-sYyFcleXIOPDBKykpVbCJ.html>. Accessed on 22 January 2020.

costs associated with stationing police, military and paramilitary resources. Given India's current fiscal situation, this expenditure represents a huge opportunity cost, as very scarce resources are used for non-developmental purposes.

Second, India's international image, which to a large extent is built around it being the largest democracy in the world and a nation founded on secular principles, is being compromised. The images of police brutality, particularly against the Muslim community, made it to the front pages of the world's leading newspapers, denting India's international standing. This might also have repercussions in terms of investment flow, as foreign firms might decide to put investments on hold to see whether the situation goes back to normal.

Third, the CAA is just the latest episode in a series of measures taken by the Indian state to marginalise the Muslim community, including the revocation of Jammu and Kashmir's autonomous status in August 2019, the ban of triple talaq in July 2019 and, after a landmark decision by the Supreme Court in November 2019, the decision to build a temple dedicated to Ram in Ayodhya. So far, a mixture of fear and resignation have dulled the Muslim community's expression of resentment, but the ongoing protests could fuel a more intensive animosity and trigger a militant response.

Fourth, though the law has been enacted, several Indian states have promised not to implement it. Kerala even filed a petition to the Supreme Court, challenging the constitutionality of the law. This might have severe repercussions to the country's federal structure, which is already under severe stress. Since Modi came to power in 2014, centre-state relations have been tested time and again: the terms of reference of the 15th Finance Commission, which decides on the allocation of central resources to the states, have been challenged; the centre's inability to pay the promised compensation to the states in the wake of the implementation of the Good and Service Tax has not been resolved; and proposals like the creation of an All India Judicial Services have been strongly rejected by several non-BJP states on the ground that they would constitute an acceleration of the process of centralisation of power in the hands of New Delhi that started in 2014.

As the Indian government relies on states for policy implementation, a further deterioration of centre-state relations could reach a breaking point and have knock-on consequences for other policy areas. This will be particularly true if the central government decides to invoke Section 6B of the CAA that allows it to bypass the state government for the implementation of the Act.² This will be seen by many states as an intrusion difficult to tolerate. A 'war' between the centre and the states is something that India can ill afford when the economy has slowed down dramatically and unemployment remains high.

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² Louise Tillin, 'The Federal Push Against CAA/NRIC', *India Today*, 17 January 2020. <https://www.indiatoday.in/magazine/up-front/story/20200127-the-federal-push-against-cao-nric-1637380-2020-01-17>. Accessed on 22 January 2020.