



# ASIA MAIOR

Vol. XXXI / 2020

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## **Asia in 2020: Coping with COVID-19 and other crises**

**Edited by**  
**Michelguglielmo Torri**  
**Nicola Mocci**  
**Filippo Boni**

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A large, intricate mandala pattern in a light brown color, located on the right side of the cover. It features complex geometric and organic shapes, including concentric circles, triangles, and floral motifs.



CENTRO STUDI PER I POPOLI EXTRA-EUROPEI “CESARE BONACOSSA” - UNIVERSITÀ DI PAVIA

# ASIA MAIOR

The Journal of the Italian think tank on Asia founded by Giorgio Borsa in 1989

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Articles meant for publication should be sent to Michelguglielmo Torri (mg.torri@gmail.com), Nicola Mocci (nicola.mocci@unifi.it) and Filippo Boni (filippo.boni@open.ac.uk); book reviews should be sent to Oliviero Frattolillo (oliviero.frattolillo@uniroma3.it) and Francesca Congiu (fcongiu@unica.it).



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## INDIA 2020: THE DEEPENING CRISIS OF DEMOCRACY\*

Michelguglielmo Torri

University of Turin  
mg.torri@gmail.com

*The following article, focussed on the analysis of the ongoing crisis of Indian democracy in the year 2020, is articulated in two parts. The first, after a synthetic summing up of how the crisis started in 2019, is an overview of the main developments which characterized the struggle against and for democracy in the year under review. The crushing of the anti-CAA/NRC democratic movement, the persecution of minorities, the harassing of NGOs, the attacks on journalists and the continuing repression in Kashmir are summarised. The celebration of the transformation of India from a secular democracy into a Hindu Rashtra through the inauguration of the construction of the Ram mega temple in Ayodhya is remembered. This first part ends by discussing the unexpected rise of the Indian farmers' anti-government movement in the concluding months of the year.*

*The second part of the article is a case study of the repression of the anti-CAA/NRC movement. It is argued that it was pursued through fascist-like violence on the part of Hindutva thugs, abetted by the police. This culminated in the Delhi riots-turned-pogrom of February. In spite of all, the anti-CAA/NRC movement continued up to the explosion of the COVID-19 pandemic crisis, which made the continuation of street manifestations and sit-ins impossible. The analysis continues through the examination of the veritable witch-hunt carried by the police, on the basis of fabricated evidence, against representative members of the anti-CAA/NRC movement and intellectuals known for their criticism of the Modi government.*

*In the conclusion it is argued that the political set-up prevailing in India is not a full-fledged democracy any more. Rather, it is a hybrid system which, below an outwardly democratic appearance, badly conceals its highly authoritarian nature.*

**KEYWORDS** – Citizenship Amendment Act; National Register of Citizenship; war on democracy; Delhi riots 2020; Delhi pogrom 2020; persecuting minorities; criminalizing dissent.

\* I want to sincerely thank Elena Valdameri, Diego Maiorano and Filippo Boni for their criticism and suggestions, which have helped me to greatly improve this article. There is no need to add that all remaining imperfections and mistakes are my responsibility alone.



*All my friends who were killed from your sticks and bullets, their memory will be  
kept alive in destroyed hearts.  
All will be remembered, all will be remembered.  
Everything will be remembered.  
And we know you will write lies with your ink, but truth shall also be written down,  
even if it is written down with our blood.  
All will be remembered, all will be remembered.  
Everything will be remembered.*

Aamir Aziz, February 2020<sup>1</sup>

### 1. Introduction

As in most other countries, in India the history of the year under review was dominated by the outbreak of the COVID-19 pandemic and its social and economic consequences. In India, what was increasingly, and increasingly rapidly, revealing itself to be a brutally authoritarian majoritarian government made the most of the pandemic crisis in order to smash internal dissent. How the Indian government managed the COVID-19 crisis is discussed elsewhere in this same *Asia Maior* issue.<sup>2</sup> Here I will go beyond the screen offered by the pandemic, to analyse what was indeed the main political development in the year 2020, namely the struggle against democracy led by the Hindutva forces, in control of the central government and many state governments.

The struggle against democracy – as documented in previous *Asia Maior* articles – had already been ongoing in the years 2014-2019, under the first Narendra Modi's government. In that period, however, it had been carried out silently, avoiding high profile and sensational political moves. In a way, it had been a slow attrition war. After the 2019 general election and Narendra Modi's resounding victory, the attrition war on democracy suddenly morphed into an all-out, multi-pronged and aggressive war of movement.

At long last, a reaction to the country's slide towards authoritarianism set in at the beginning of December 2019. As a result, at the start of the year under review (2020), the Narendra Modi-headed and Bharatiya Janata Party (BJP)-supported Indian government was being confronted by a spontaneous and widespread popular movement, opposing the Citizen-

1. For the full text of Aamir Aziz's song, see, e.g., '«All will be remembered»: Soul-stirring poem by Indian activist takes internet by storm', *Geo News*, 28 February 2020.

2. Diego Maiorano, 'India 2020: The COVID-19 pandemic and its impact', in this same *Asia Maior* issue.

ship Amendment Act (CAA) 2019 and the updating nation-wide of National Register of Citizenship (NRC).<sup>3</sup>

Already in December 2019, the Modi government and the state governments ruled by the BJP started to react to the anti-CAA/NRC movement through a mix of legal and extra-legal repressive measures. These measures were accompanied by a propaganda war aimed at delegitimizing the anti-CAA/NRC movement, which was portrayed as the outcome of a «urban Naxals» cum Jihadi conspiracy.<sup>4</sup> As a consequence, the struggle against and for democracy immediately became the characterising feature of 2020.

The attack on and repression of the anti-CAA/NRC movement, nonetheless, was only one of the fronts of the assault carried by Hindutva forces on Indian democracy. The continuing repression in Kashmir; the persecution of religious minorities, both Muslim and Christian; the victimization of Dalits; the intimidation of journalists; the visible transformation of the secular republic of India into a Hindu Rashtra (a Hindu nation, namely a country where only Hindus were to be considered as full-fledged citizens) were the other fronts where the war against democracy was fought.

The remainder of the article is focussed on the analysis of the war on democracy carried on by the Modi government and other Hindutva forces during the year 2020. First an outline is given of the main development of this war, then only one of its most important fronts – namely the struggle against and the eventual annihilation of the movement against the Citizen

3. The Citizenship Amendment Act (CAA) basically reformulated the criteria of Indian citizenship, introducing religion as a defining parameter (which went against articles 14 and 15 of the Indian Constitution). On its part, the National Register of Citizens (NRC), listing all Indian citizens and originally finalized in 1951, had been updated in Assam, following a prolonged local political crisis, in 2018. To prove his/her Indian citizenship, the individual had to provide evidence that none of his/her parents or grandparents were an illegal immigrant. This meant getting hold of very old and difficult to find legal documents. The end result was that the final Assam NRC list, published on 31 August 2019, excluded some 1.9 million persons from Indian citizenship. In many cases families were split down, with some members retaining and others being excluded from Indian citizenship. Among the excluded there were the relatives of former President of India Fakhruddin Ali Ahmed. In 2019, Amit Shah, the home minister and Narendra Modi's closest associate, had repeatedly declared that implementing the NRC nation-wide was a «must» for national security. On the CAA and NRC see Michelguglielmo Torri, 'India 2019: Assaulting the world's largest democracy; building a kingdom of cruelty and fear', *Asia Maior*, XXX/2019, pp. 368-376.

4. «Urban Naxal» is the derogatory label applied to those intellectuals who are critical of the Hindutva ideology and the Modi government. They are accused to be «antinational» and «enemies of India». See Christophe Jaffrelot, 'Arrests in Bhima Koregaon case frame a transformation in India's polity and police force', *The Indian Express*, 29 October 2020. That left-leaning intellectuals, whose political philosophy is based on a rational approach to reality, and jihadists, namely people who adhere to an anti-rational, religious-based ideology, can be banded together is a demonstration of the complete disregard not only for truth but also for common sense that characterises the Hindutva propaganda.

Amendment Act (on which, more below) – will be analysed in-depth. In fact, the attack on democracy carried out in 2020 was so widespread and multi-pronged that a satisfactory account of its many aspects cannot be given in the reduced space of a journal article. What, nevertheless, can be stated with no fear of contradiction is that what was taking shape in the period after the 2019 general election and along the following year was the most serious crisis of Indian democracy since Indira Gandhi's imposition of the internal emergency regime in 1975.

## *2. The struggle for and against democracy in 2020: an outline*

### *2.1. Crushing the anti-CAA/NRC movement*

The Modi government's repression of the spontaneous and widespread movement born in December 2019 against the Citizen Amendment Act (CAA) and the National Register of Citizens (NRC) was a main political development characterizing the year under review (2020). As this topic is analysed in detail in the second part of this article, here only a very sketchy outline is necessary.

At the beginning of 2020, the movement, then in full swing, was countered by the Modi government and the governments of the BJP-ruled Indian states through the massive deployment of a blending of fascist-like street violence on the part of Hindutva goons and police repression. The highest point of the repression was the massive disturbances in Delhi in February (on which more later). In spite of all, the movement survived up to the beginning of the pandemic crisis (March 2020). At that point, things changed dramatically and suddenly with the imposition of the national lockdown aimed at containing the COVID-19 pandemic. Public demonstrations became impossible, depriving the pro-democracy movement of its main means of struggle. This gave the repressive apparatuses of both the central government and the BJP-ruled state governments, supported by a compliant judiciary, their chance. They launched a veritable witch-hunt not only against the most representative members of the anti-CAA/NRC movement, but against well-known intellectuals, critical of the BJP. As detailed in the second part of this article, this witch-hunt was based on fabricated evidence.

### *2.2. Persecuting the minorities*

This systematic attack against the anti-CAA/NRC movement was, however, only part of the wider attack on both democracy and secularism. Open violence and judiciary persecution against Muslims, Christians and Dalits, and anybody else who supported them, had been a distinctive socio-political undercurrent in India at least since 2014. In 2020, however, this undercurrent came into the open with a bang, becoming a characterising feature of the

year under review. Muslims, Christians and Dalits found themselves at the receiving end of state repression and mob violence.

### 2.2.1. *Persecuting the Muslims*

Muslims were the main victims of the Delhi riot/pogrom of February 2020, which will be examined in detail in the second part of this article. But, unsurprisingly, attacks against Muslims by Hindutva hooligans, often resulting in outright murders, together with harassment by the police, continued for the whole period under review.<sup>5</sup>

As had already happened in 2017, in 2019, the Muslim community was increasingly targeted because accused of leading the so-called Love Jihad.<sup>6</sup> Love Jihad is a demented conspiracy theory, according to which «Muslim men are attempting to surreptitiously shift India's demographic balance by converting Hindu women to Islam through marriage».<sup>7</sup> In a country like India, where inter-caste and interfaith marriages are looked down by society and where Hindu-Muslim tensions and clashes have become a fact of (social) life since the late colonial period, a theory like Love Jihad, albeit groundless and irrational, was meant to be widely accepted. While the idea of Muslim men praying on innocent and gullible Hindu women is an old one, the term Love Jihad is recent, having been used for the first time only in 2009, in a judicial order of the Kerala High Court.<sup>8</sup> Since then the term and the underlying theory have spread like wildfire thanks to both «a concerted propaganda campaign» carried out by the Hindutva organizations<sup>9</sup> and the re-utilization of the term in other judicial cases.

The Love Jihad judicial cases have been accompanied by orders by the courts to the police, including one given in 2018 by the Supreme Court to the National Investigation Agency (NIA), India's top police force dealing

5. For a record of hate crimes against Indian Muslim see *Database: Hate Crimes Against Muslims in India*, CJ Werleman (<https://cjwerleman.medium.com/database-hate-crimes-against-muslims-in-india-fdddc5acbf9b>).

6. Love Jihad had already been one of Yogi Adityanath's warhorses in the electoral campaign leading to his victory in the 2017 UP state elections. Having won power, Adityanath had created the Romeo Squads, whose institutional aim was allegedly that of ensuring women safety in the state, but, in fact, soon became notorious.

7. Billy Perrigo, 'Why India's Most Populous State Just Passed a Law Inspired by an Anti-Muslim Conspiracy Theory', *Time*, 25 November 2020. As, according to the 2011 Census, the number of Indian Muslims amounted to 172,2 million and that of Hindus to 966,2 million, it is only by admitting that Muslim men were endowed with super-human insemination capabilities that one can imagine that the supposed Love Jihad could even marginally dent the existing massive Hindu majority. This, of course, reveals a great deal on the insecurities – typical of authoritarian personalities – characterising the Hindutva Weltanschauung.

8. Shweta Desai, 'The «Love Jihad» Conspiracy Theory', *Newsline Magazine*, 21 December 2020.

9. *Ibid.*

with terrorism-related crimes, to investigate the existence of Love Jihad cases. All these enquires drew a blank.<sup>10</sup> The conspiracy by Indian Muslims to convert, by force or guile, Hindu girls – evidently considered gullible and rather stupid by the champions of Hindutva – does exist, but only in the minds of obviously sexually insecure Hindu males, afraid of losing their patriarchal control over women that they consider their own property.

The non-existence of Love Jihad was officially admitted by none other than Union Minister of State for Home Affairs G. Kishan Reddy on 4 February 2020. The Minister acknowledged in Parliament that the term «Love Jihad» was not defined under the law, and, more importantly, that no such cases had been reported by any of the Central agencies.<sup>11</sup> This did not deflate in the least the Hindutva zealots' absolute certainty that Love Jihad did exist and had to be fought tooth and nail.

This was particularly true in the case of India's biggest and most populous state: UP. The struggle against Love jihad had already been adopted as a main political objective to be pursued by the BJP UP unit in August 2014.<sup>12</sup> The same issue had become one of the warhorses which had carried Yogi Adityanath to the conquest of power in the 2017 UP state election.<sup>13</sup> During the 2017 UP electoral campaign, Yogi Adityanath and other BJP notables had promised the creation of «anti-Romeo squads», namely squads whose aim would be protecting women in a state notorious for the high level of violence against them. The «anti-Romeo» squads had effectively been created by the new Yogi Adityanath-headed BJP UP government after the election. But, as feared by some, rather than enhancing women's security, which continued to be abysmal, the «anti-Romeo squads» had turned into tools to harass any young couples transiting in the public space and hunting down Muslim men suspected of practising the dreaded love Jihad.<sup>14</sup>

The anti-Romeo squads, which were made up by plain cloth police, usually acted in tandem with Hindutva vigilantes. The latter were also very active on their own, targeting interfaith couples in particular. In doing that, they made the most of the Special Marriage Act of 1935, requiring inter-

10. *Ibid.*; Apoorvanand, 'India's «love jihad» laws: Another attempt to subjugate Muslims', *Al Jazeera*, 15 January 2021.

11. «Love jihad» not defined under law, says Centre', *The Hindu*, 5 February 2020.

12. 'Love jihad on official agenda of BJP's UP executive meet', *India Today*, 23 August 2014; '«Love Jihad» in UP to face might of BJP ire', *India Today*, 24 August 2014.

13. E.g., 20170211 'Kairana «exodus», love jihad key issues for BJP in UP poll: Adityanath', *Business Standard*, 11 February 2017.

14. Annie Gowen, 'The new leader of India's largest state, Yogi Adityanath, launches «anti-Romeo squads» to protect women', *The Washington Post*, 22 March 2017; Lalmani Verma, 'Anti-Romeo & Love Jihad: Experiments in moral policing in Uttar Pradesh', *The Indian Express*, 24 March 2017; Murali Krishnan, 'The thuggery of «anti-Romeo» squads causes a stir in India', *Deutsche Welle*, 18 April 2017.

faith couples to declare their resolve to marry 30 days before the wedding.<sup>15</sup> As, during the waiting period, the personal details of the couple were put on public display at the marriage registration office, the Hindutva zealots could easily obtain these data and post them on the internet, asserting that the coming marriage was the end product of love jihad. As a rule, this resulted in harassment, humiliation, assault and occasionally murder of members of the interfaith couple on the part of Hindutva bands, sometimes backed by the police.<sup>16</sup>

Even in the case of Love Jihad, and as it is the rule in the strategies enacted by the Hindutva forces against those they chose as their target, illegal violence was coupled by the passing of discriminatory laws, zealously enforced by the police of the BJP-ruled states. Since independence, the often-attempted enactment of anti-conversion laws in the central parliament has been unsuccessful. However, anti-conversion laws, generally under the Orwellian label of «Freedom of Religion» laws, have been enacted in several Indian states. These laws restrict religious conversions supposedly carried out by force, fraud, or inducements.

Originally enacted with the object to prevent the spread of Christianity, these laws are characterised by an extraordinarily broad and vague language, «posing serious challenges to religious freedom as guaranteed by the Indian Constitution».<sup>17</sup> In more recent years, the language of these laws has become much more precise, while their main target has shifted from Christian missionaries to the Muslim community at large. Accordingly, the anti-conversion laws passed in 2018 in Uttarakhand and in 2019 in Himachal Pradesh – clearly aimed at neutralizing the Love Jihad supposed menace (or, differently put, to prevent Hindu-Muslim marriages) – unambiguously state that a marriage is void if it is celebrated for the sole purpose of conversion or a conversion was done merely for making the marriage possible.<sup>18</sup>

On 27 November 2020, Uttar Pradesh, namely India's most populous state and the one including the largest number of Indian Muslims, issued the Uttar Pradesh (UP) Prohibition of Unlawful Conversion of Religion Ordinance, which became law the following day.

15. It was only on 8 January 2021 that the Allahabad High Court ruled that the requirement to publish a notice of intended marriage under the Special Marriage Act would not be mandatory but rather subject to the choice of the couple. See 'Allahabad High Court says 30-day notice under Special Marriage Act violates privacy, makes it optional', *The Indian Express*, 13 January 2021.

16. Shweta Desai, 'The «Love Jihad» Conspiracy Theory'.

17. South Asia Human Rights Documentation Centre, 'Anti-Conversion Laws: Challenges to Secularism and Fundamental Rights', *Economic and Political Weekly*, Vol. 43, No. 2, 12-18 January 2008, pp. 63-69, 71-73.

18. Aneesh Mathur, 'Anti-conversion laws in India: How states deal with religious conversion', *India Today*, 23 December 2020.

The UP Ordinance was by far the most stringent anti-conversion law hitherto enacted.<sup>19</sup> It imposed conspicuous fines and jail terms of up to 10 years for men found to have induced a woman to convert to a different religion for the purpose of marriage, or by the use of force, coercion or misrepresentation. The law also gave the state the power to nullify any marriages found to have been carried out with the «sole intention» of changing a woman's religion.<sup>20</sup>

A legally and constitutionally dubious law,<sup>21</sup> the UP Ordinance de facto aimed at making interfaith marriages illegal and showed an unpleasant but undeniable likeness to the infamous Nuremberg Nazi laws of 1935.<sup>22</sup>

Soon after the Ordinance came into force, the UP police sprang into action, clearly moving on the assumption that any marriage between a woman born in the Hindu religion and a man of a different religion could not but be illegal. Police squads started conducting raids targeting interfaith marriages, «stopping ceremonies midway, arresting the bridegrooms, and registering criminal cases for conducting marriage under deceit for religious conversion».<sup>23</sup> These raids targeted not only those couples where the bride or would-be bride had converted, abandoning the Hindu religion, but also interfaith couples, where both spouses had kept their native religion.<sup>24</sup> Also, the UP police, in total disregard of the most elementary legal rules, gave retroactive application to the law, arresting alleged per-

19. It was soon to be superseded as the most stringent anti-conversion legislation by the Madhya Pradesh Ordinance, which became law on 9 January 2021.

20. Billy Perrigo, 'Why India's Most Populous State Just Passed a Law Inspired by an Anti-Muslim Conspiracy Theory', *Time*, 25 November 2020; 'Anti-Conversion Legislation: Comparison of the UP Ordinances with other state laws', *PRS Legislative Research*, updated on 19 January 2021 (<https://www.prsindia.org/blogcomment/846302>).

21. Surbhi Karwa & Prannv Dhawan, 'Uttar Pradesh's «Love Jihad» Law Is Sexist, Unconstitutional', *Article14*, 3 December 2020; 'UP's anti-conversion law cannot be sustained, contains many defects, says ex-SC judge Lokur', *The Indian Express*, 22 December 2020.

22. Vakasha Sachdev, '«Love Jihad»: A Homage to Nuremberg and Miscegenation Laws', *The Quint*, 22 November 2020. The Nuremberg laws, which had provided the legal framework for the systematic persecution of the Jews, apart from excluding German Jews from Reich citizenship, prohibited them from marrying or having sexual relations with persons of «German or related blood». E.g., Leo Kuper, *Genocide*, Harmondsworth: Penguin Books, 1981, *passim*; Sarah Gordon, *Hitler, Germans, and the «Jewish Question»*, Princeton: Princeton University Press, 1984, *passim*.

23. Shweta Desai, 'The «Love Jihad» Conspiracy Theory'.

24. This was the case of Raina Gupta and Mohammad Asif, whose wedding ceremony in Lucknow, «violently halted» by the police on 2 December, was to include both Hindu and Muslim rituals. It is worth stressing that, quite unusually, the two would-be spouses had the support of the respective families. Hannah Ellis-Petersen, 'Muslim targeted under Indian state's «love jihad» law', *The Guardian*, 14 December 2020; Apoorvanand, 'India's «love jihad» laws: Another attempt to subjugate Muslims'.

petrators of forced conversions for having committed the act before it was declared a crime.<sup>25</sup>

Summing up, in the first 30 days since the coming into effect of the Ordinance, the UP police registered 14 cases, all but one involving Hindu women allegedly pressured to convert to Islam, and put in jail 49 persons. In only two cases the complainant was the alleged victim.<sup>26</sup> In no case was a Hindu man arrested under the new law.<sup>27</sup>

### 2.2.2. *Persecuting the Christians*

While Muslims were the privileged target of police harassment and mob violence, even the tiny Christian community<sup>28</sup> was not left unscathed. The number of communal crimes faced by them had been in constant rise since the beginning of the first Modi government in 2014. According to the *Annual Report 2019* by Persecution Relief, an NGO providing comprehensive support to persecuted Christians of all denominations in India, from 2016 to 2019 Indian Christians had faced 1,774 cases of hate crimes across 25 states and three Union territories. From 330 cases in 2016, the tally of attacks had steadily increased, reaching numbers of 440 in 2017, 447 in 2018 and 527 in 2019. Differently put, from 2016 to 2019, there had been a 59.6% rise in hate crimes against Christians.<sup>29</sup>

25. The most sensational of these cases was that of Muskan and Rashid. Muskan was born in a Hindu family, had married Rashid in Dehradun on 24 July 2020, and, soon afterwards, had converted to Islam. Both Muskan and Rashid were arrested. Muskan suffered a (possibly intentionally caused) miscarriage when in detention. Eventually they were released, following the order of an UP court, as the police had been unable to produce any evidence supporting allegations that Muskan had been forcibly converted. See The Wire Staff, '«Love Jihad» Arrest: Bride Sticks to Miscarriage Claim; «Foetus Fine,» Says Govt Hospital Doctor', *The Wire*, 15 December 2020; Sharad Gautam, 'UP man released after no 'love jihad' proof found, ultrasound confirms wife's miscarriage', *India Today*, 19 December 2020; Nidhi Suresh & Anna Priyadarshini, 'Moradabad «love jihad»: What killed Muskan's child?', *Newslandry*, 20 December 2020; Kavita Krishnan, 'An Interfaith Couple Faced Violence, a Miscarriage and Arrest. We Can't Say «No Harm Done»', *The Wire*, 21 December 2020; Salil Tripathi, 'An anti-interfaith-marriage law should be called out for what it is', *Mint*, 23 December 2020.

26. Manish Sahu, '1 month of UP «love jihad» law: 14 cases, 49 in jail, woman «victim» complainant in only two', *The Indian Express*, 9 January 2021.

27. Hannah Ellis-Petersen, 'Muslim targeted under Indian state's «love jihad» law'.

28. According to the 2011 Census, the Indian Christians were some 27 million people, namely the 2.30% of the population. According to the previous 2001 Census, their number was around 24 million, namely 2.34% of the population. Differently put, between 2001 and 2011, while the number of Christians had increased in absolute terms, the size of the community in relation to the total population had decreased.

29. 'Christian faced 1,774 hate crimes in four years', *Matters India*, 29 January 2020.



During the year under review, the situation did not improve. According to the half-yearly report of Persecution Relief, released on 29 July 2020, hate crimes against Christians in India had increased by 40.87%, compared to the previous year, despite the nationwide lockdown. Among the 293 cases reported, there were five rapes and six murders.<sup>30</sup> Uttar Pradesh was the Indian state with the highest number of hate crimes against Christians, a dubious distinction which nicely dovetailed with that of being the most hostile Indian state against Muslims.

### 2.2.3. *Persecuting the Dalits*

Beside Muslims and Christians, another social group facing increasing victimization in the year under review was that of the Dalits. When on his way to conquering power at the national level, Narendra Modi had showed much attention for India's scheduled castes, as exemplified by his remark on 3 March 2014, at an electoral rally in Muzaffarpur (Bihar), that «The next decade will belong to the Dalits and the backwards».<sup>31</sup> Modi's attention for the Dalits had continued after his conquest of the prime ministership: in 2016, he had condemned the cow vigilantes who had flogged four Dalit youth in Una (Gujarat);<sup>32</sup> in 2019, during his electoral campaign, he had pointed out that five places associated with B.R. Ambedkar, the foremost Dalit social reformer, including London, were being developed as *Panch teerth* (five places of pilgrimage) by his government.<sup>33</sup>

This attention, however, originated less from a real desire to uplift the Dalit community than from the need to detach it from the Congress and other parties. Significantly, Modi's pro-Dalit strategy had fully reached the goal of enticing the Dalits to vote massively and increasingly for the BJP, particularly from 2014 onwards.<sup>34</sup> As significantly, under Modi's dispensation no concrete policy aimed at fighting untouchability and the social evils caused by it had been implemented. As shown by official data, in the years 2006 to 2019 the situation of India's Dalits worsened and the trend of the atrocities against them was constantly on the grow. Modi's rise to the prime ministership, far from inverting this trend, appears to have accelerated it. In 2019, the last year for which official data are available at the closing

30. 'Hate crimes against Indian Christians continue unabated: Report', *Matters India*, 29 July 2020.

31. 'In 2014, Hindutva versus caste', *The Hindu*, 26 March 2014.

32. Manoj Mitta, 'Narendra Modi reached out to Dalits after Una. Here's why he can't after Bhima Koregaon', *Scroll.in*, 6 January 2018.

33. 'Five places associated with Ambedkar, including London are being developed as pilgrimage by my government, says PM Modi', *India TV*, 2 April 2019. The fact that some localities are officially designated as places of pilgrimage offers facilities of various kinds to those who wish to go there.

34. Diego Maiorano, 'The 2019 Indian Elections and the Ruralization of the BJP', *Studies in Indian Politics*, 7, 2, 2019.

of this article, *Religion Unplugged*, a news portal concerned with religion around the world, reported that: «Crimes against the marginalized community [Dalits] have increased by more than 7% in the last year [2019], according to data recently released by India's National Crime Records Bureau (NCRB). Nearly 46,000 crimes against Dalits were recorded nationwide, with the north Indian state of Uttar Pradesh recording the highest number of such cases at 11,829, or 25% of the cases. Most of the crimes were violence against women like stalking, harassment, assault and rape. Other crimes included are murder and assault as well as discrimination like preventing a Dalit from using a public space and using social boycotts to evict a person».<sup>35</sup>

Here it is worth stressing that anti-Dalit atrocities data – not differently from analogous data related to crimes against women – are notoriously difficult to interpret. On the one hand the statistical rise of recorded crimes can mean that they have indeed increased. On the other hand, this rise can be interpreted as an indication that Dalits are less afraid to report the crimes committed against them. The latter, accordingly, could be considered as a «positive» development, at least as far as it goes. The problem is that, even when crimes against Dalits are followed by police investigations and trials in the Courts – which, of course, was not always the case – they had a tendency to remain unpunished. This is revealed by the fact that official data for the decade 2006-2016 showed that the rate of pending police investigations and pendency in courts, related to crimes against Dalits, were 99% and 50% respectively.<sup>36</sup> Again, these data must be qualified by pointing out that the Scheduled Castes and Tribes (Prevention of Atrocities) Act, passed in 1989, had had some influence in deterring anti-Dalit abuse. This resulted not so much from the actual convictions of the responsible of the anti-Dalit crimes – Which, as just pointed out – remained very low, but because the implementation of the Act was enough to trigger a series of judicial procedures that, anyway, cost the defendants time and money.

Whatever position one takes on the evolution of the situation of the Dalits, it is a fact that it continued to be a dismal one. This was proven, if

35. Hanan Zaffar & Danish Pandit, 'Violence against India's marginalized rising, new data shows', *Religion Unplugged*, 26 October 2020. For additional analyses and data on the situation of the Dalits see: Jeya Rani, 'An Invisible Virus Highlights the Virulence of an Age-Old Visible Virus', *The Wire*, 14 April 2020; Nilanjana Das, 'The Impact Of The Rise Of Right-Wing Politics On Dalits In India', *Feminism In India*, 7 May 2020; Shambhavi Raj Singh, '#DalitLivesMatter: Why Are Atrocities Against Dalits On The Rise?', *Feminism In India*, 11 June 2020; Express News Service, 'Atrocities against Dalits see a rise', *The New Indian Express*, 7 July 2020; Express News Service, 'No place for Dalit and tribal girls in India, says NCRB data; UP fares worst', *The New Indian Express*, 1st October 2020; Ritwika Mitra, 'Anti-Dalit violence: Victims, families feel it is still a long way to justice', *The New Indian Express*, 5 October 2020.

36. Alison Saldanha & Chaitanya Mallapur, 'Over Decade, Crime Rate Against Dalits Up 25%, Cases Pending Investigation Up 99%', *IndiaSpend*, 4 April, 2018.

proof were needed, by a case – particularly horrifying, but far from representing something exceptional as far as Dalit women are concerned – which became known in the year under review, hitting the headlines of the main national newspapers.<sup>37</sup> On 14 September, in Boolgarhi, a village in the Hathras district (UP), Manisha, a 19-year-old Dalit girl, was gang raped by four men belonging to the locally dominant Thakur Caste.<sup>38</sup> Not satisfied with the rape, the four high caste men badly wounded their victim and broke her spine.<sup>39</sup> The girl survived two weeks to the assault, dying on 29 September because of her injuries.

It must be stressed that a young woman or a child, particularly if belonging to the Dalit community, being raped, tortured and murdered is such a run of the mill news that, as a rule, very scanty attention, if any, is given by the Indian media to such an event.<sup>40</sup> Somehow, however, once Manisha died in a New Delhi hospital, the news hit the headlines of the main national media and even rebounded on some main international newspapers.<sup>41</sup> This

37. Which, in the case of crimes against Dalit women was far from being usual. As noted by a well-known journalist and intellectual, «Savage rapes of little girls and young women are so much the norm, especially in rural India, that we learn to look the other way most times». Tavleen Singh, 'Hathras case is a mirror in which we see the flaws of Indian democracy, and the sight is frightening', *The Indian Express*, 4 October 2020.

38. Most Indian newspapers indicated the victim with a pseudonym, as, according to Indian law, the name of a victim of rape cannot be divulged, unless there is the consent of the family. Somehow it seems that most newspapers simply did not bother to ask permission to make use of the name of the victim, preferring to employ various pseudonyms. Nonetheless the victim's real name became soon known and made use of in the social media. Eventually, Article14 – a news portal which addresses «threats to and failures of justice and deficiencies in the legal system» – no doubt because it had got permission from the family, employed the real name in a detailed analysis of the crime and its follow up. See Disha Mullick & Khabar Lahariya Bureau, 'An Attack In Hathras, And A Story Of Our Times', *Article14*, 2 November 2020.

39. The poor girl was found by her mother, «lying naked, with her tongue protruding from her mouth. Her eyes were bulging out and she was bleeding from her mouth, her neck and there was blood near her eyes. I also noticed bleeding from her vagina». Akanksha Kumar & Nidhi Suresh, '«Help us get justice, please»: Dalit girl assaulted in UP's Hathras succumbs', *NewsLaundry*, 29 September 2020.

40. In the period up to the Hathras gang rape, Uttar Pradesh had maintained the dubious distinction of being the Indian state with the highest number of reported cases of violence against Dalits. In particular, there was a spike of attacks against them by upper caste Thakurs during coronavirus lockdown. However, up to the arrest of the four alleged rapists in Hathras, no arrests had been made. On rapes in Uttar Pradesh, see Hannah Ellis-Petersen, 'Dalits bear brunt of India's «endemic» sexual violence crisis', *The Guardian*, 16 September 2020.

41. At first a complete disinterest surrounded the case. A member of the family tried to get the attention of the media by making use of twitter and posting a picture of the victim lying in front of the police station where she had been transported after the rape. The response, however, was nil. «I had tagged a few channels on twitter and even put photos of my sister and kept sharing it – told the author of the tweet to two NewsLaundry journalists – but no one even liked it, no one even retweeted it». It seems

made of the Hathras gang-rape cum murder one of the most high-profile political events of the year.<sup>42</sup> The rape itself and, in a way, even more what happened afterwards spread a vivid light on the plight of Dalits and the flaws of Indian democracy.

Particularly dismaying was the behaviour of the local police. They treated the victim and her family coldheartedly, were reluctant to register an FIR on the case, and delayed starting an enquiry for some five days.<sup>43</sup> The medical examination, to ascertain if there were reasons to think that a sexual assault had occurred, was delayed up to 25 September, namely 11 days after the rape. This happened in spite of the fact that, per procedure, this medical examination must be carried out within 24 hours, because the life-cycle of sperm is of 2-3 days at the most, which makes any examination beyond that deadline totally useless.<sup>44</sup> On the basis of the fact that, not surprisingly, the forensic report had found no trace of sperm, the police mendaciously claimed that: «No signs of sexual assault was confirmed by doctors in either Hathras or Aligarh», «No sign of abrasion were found in the victim's private parts», and that her backbone had not been broken.<sup>45</sup>

When Manisha died, her body was carried by the police to Boolgarhi, where, against the wish of the family, it was cremated in the height of the night (around 2.30 am). The police justified this by claiming that it was done to prevent the law-and-order situation from getting out of hands, but the family was convinced that the real reason was preventing them from asking for a second post mortem.<sup>46</sup>

that it was only when Manju Diler, the daughter of the local MP Rajvir Diler, took an interest in the case and posted on her Facebook account news about the crime and the names of the alleged rapists, that the police took the case seriously. It is probable that it was only at that point that the event started to be considered newsworthy by the main Indian media. It is worth stressing that Rajvir Diler was BJP member, but he also belonged to the same subcaste, the Valmiki Dalits, to which belonged the victim. Akanksha Kumar & Nidhi Suresh, 'Help us get justice, please': Dalit girl assaulted in UP's Hathras succumbs'; Shivani Kapoor, 'Hathras Gang Rape Case News Update: BJP MP Rajiv Diler Writes To UP DGP HC Awasthi', *News Bust India*, 9 October 2020; Hemendra Chaturvedi & Manish Chandra Pandey, 'Hathras case exposes rift among local BJP leaders; its Rajvir vs Rajvir', *Hindustan Times*, 11 October 2020.

42. E.g., Shreya Raman & Gulal Salil, 'What Made News Other Than COVID In 2020', *IndiaSpend*, 2 January 2021.

43. Akanksha Kumar & Nidhi Suresh, 'Help us get justice, please': Dalit girl assaulted in UP's Hathras succumbs'.

44. Devanoora Mahadeva, 'A Murder in Hathras, and a Question for the Country's Conscience', *The Wire*, 13 October 2020.

45. 'Hathras woman was not raped, forensic report shows no sperm, claims UP Police', *The Print*, 1 October 2020, and Ismat Ara, 'Exclusive: Aligarh Hospital MLC Report on Hathras Victim Shatters UP Police's «No Rape» Claim», *The Wire*, 3 October 2020, from which the quotations are taken.

46. Akanksha Kumar & Nidhi Suresh, '«Our fault is that she was Dalit»: In Hathras, a forced cremation, a media circus, and a life of humiliation', *Newslandry*, 1 October 2020.

Manisha's family were restricted to their home; their phones were taken away; a district magistrate tried to intimidate the family and induce them to withdraw their accusations; evidently in order to reinforce his exhortations, he kicked in the chest one of the members of the family.<sup>47</sup>

Media and political leaders were prevented from reaching Boolgarhi: a journalist, Siddique Kappan, and his three fellow-travellers were arrested, on the basis of the draconian anti-terrorism Unlawful Activities (prevention) Act (UAPA);<sup>48</sup> Rahul Gandhi, who, together with her sister Priyanka, was trying to reach Manisha's family on foot, because their car had been stopped by the police, was halted once again by the police, manhandled, thrown to the ground, and arrested together with his sister.<sup>49</sup>

If the behaviour of the local police was dismaying, that of the UP government was no better. Its official position on the Manisha affair was unambiguously articulated by Ajit Singh Pal, the UP minister of State for IT & Electronics, on 2 October. Pal, at a press conference, explained that the Hathras incident was a «small issue», raked up by the Opposition, and, anyway, the rape had not occurred at all, as doctors had said that nothing of that kind had happened.<sup>50</sup> In fact, the UP government was so determined to impose this version of the events that, to reach this objective, it had hired the help of a PR firm. The thesis that the «Hathras girl was not raped» was then enriched with the juicy news that «reports also revealed the conspiracy to push the state into caste turmoil».<sup>51</sup>

The line that the gang rape had not occurred continued to be repeated, in spite of the fact that on 3 October proofs emerged that conclusively disproved it. By that date, a medico-legal examination report prepared by the Jawaharlal Nehru Medical College Hospital (JNMCH), at Aligarh, where Manisha had first been admitted, had become public. It conclusively showed the presence of unmistakably signs of rape on the victim's body. It also documented the presence of grievous wounds that had made

47. Meryl Sebastian, 'Yogi Tweets On «Women's Safety» As Hathras Family Alleges Harassment, Intimidation By Police, DM', *Huffington Post* (India), 2 October 2020.

48. The faults of the four supposed terrorists, according to the FIR filed by the police, were the carrying of pamphlets reading «Justice for Hathras Victim» and moving towards Hathras district to disrupt peace. Still according to the FIR, this was part of a «big conspiracy». Mahtab Alam, 'Hathras Case: Malayalam Journalist and Three Others Booked Under Sedition, UAPA', *The Wire*, 7 October 2020. At the end of the period under review, Siddique Kappan was still under detention (I owe this last piece of information to Diego Maiorano).

49. The Wire Staff, 'UP Police Stop and Arrest Rahul, Priyanka Gandhi on Their Way to Hathras', *The Wire*, 1 October 2020.

50. PTI, 'Hathras Case a small issue, woman was not gang-raped, says UP minister', *The Print*, 2 October 2020.

51. The Wire Analysis, 'Yogi Govt Enlists PR Firm to Push «Hathras Girl Was Not Raped» Story Line With Foreign Media', *The Wire*, 3 October 2020.

Manisha paraplegic.<sup>52</sup> Also, by 5 October, three short videos had already become available on the internet, making it «crystal clear» that Manisha had stated to be raped both when she was first carried to the police station on 14 September and at a later date in a hospital setting.<sup>53</sup>

At the end of the period under review, nonetheless, it was not yet clear which kind of truth was going to prevail: the one attested by Manisha's family and supported by videos of the victim and the JNMCH medical report, or the one proposed by the UP government and its pliant police.

### 2.3. *Harassing NGOs and attacking journalists*

Complementary to the attack on minorities was the fact that NGOs engaged in social work in favour of the most downtrodden and often persecuted social strata came under increasing pressure from the government.<sup>54</sup> It was a growing pressure which forced Amnesty International to close down its Indian chapter at the end of September.<sup>55</sup> No doubt, Amnesty International's unforgivable crime was that it had denounced the Delhi police's human right abuses during the February riots (on which more later) and criticized the intimidation of journalists in Kashmir.<sup>56</sup> According to Reporters Sans Frontiers, India ranked 142<sup>nd</sup> out of 180 countries as far as press freedom was concerned.<sup>57</sup> Journalists willing to highlight what was happening continued to be under threat of legal action or physical violence.<sup>58</sup> Particularly

52. Ismat Ara, 'Exclusive: Aligarh Hospital MLC Report on Hathras Victim Shatters UP Police's «No Rape» Claim».

53. The Wire Analysis, '«Zabardasti»: Transcript of Videos Shows Hathras Woman Spoke of Rape From Day One', *The Wire*, 5 October 2020.

54. E.g., Nirmala Carvalho, 'Il governo indiano mette le ONG sotto controllo elettronico «per evitare conversioni forzate» [Indian government puts NGOs under electronic surveillance «to avoid forced conversions»]', *AsiaNews.it*, 22 September 2020.

55. Sameer Yasir & Hari Kumar, 'Amnesty International Shuttles Offices in India, Citing Government Attacks', *The New York Times*, 29 September 2020.

56. 'India: Government must immediately stop intimidation of journalists in Jammu and Kashmir', *Amnesty International*, 22 April 2020; 'Amnesty accuses police of human rights abuses at February riots', *Deutsche Welle*, 28 August 2020; 'Amnesty to halt work in India after its bank account «frozen»', *Al Jazeera*, 29 September 2020; 'Amnesty to halt work in India due to government «witch-hunt»', *The Guardian*, 29 September 2020; 'Who killed Amnesty International India', *Mint*, 2 October 2020. For an example of how the attack on Amnesty International was justified by the pro-Modi Indian media, see 'Amnesty International's false claim of «witch-hunt» exposed; here's what MHA said', *ZeeNews*, 30 September 2020.

57. Reporters Without Borders, *Data of press freedom ranking 2021* ([https://rsf.org/en/ranking\\_table](https://rsf.org/en/ranking_table)).

58. According to the *UNESCO observatory of killed journalists – India*, 6 Indian journalists were killed in 2020. The killings, however, were just the tip of the iceberg. The most extensive enquiry on the attack on press freedom in India is Geeta Seshu, *Behind Bars. Arrests and Detention of Journalists in India-2010-20*, Free Speech Collective, without date. The findings of Seshu's report are synthesised in '67 journalists

exposed appeared to be women journalists, who were routinely threatened, through their social media accounts, with rape and death, in certain cases by «thousands and thousands and thousands».<sup>59</sup>

#### 2.4. *The continuing repression in Kashmir*

Kashmir – namely the only area in India where Muslims are a majority – continued under the brutal military occupation clamped down on 5 August 2019. Since that date, as pithily summed up by Sarah Repucci of Freedom House: «The sweeping reorganization [of Jammu and Kashmir], which opponents criticized as unconstitutional, was accompanied by a massive deployment of troops and arbitrary arrests of hundreds of Kashmiri leaders and activists. Restrictions on freedom of movement and a shutdown of mobile and internet service made ordinary activities a major challenge for residents. As a result, Indian Kashmir experienced one of the five largest single-year score declines of the past 10 years in *Freedom in the World*, and its freedom status dropped to Not Free».<sup>60</sup>

#### 2.5. *Celebrating the transformation of a secular democracy into a Hindu Rashtra*

That, in 2020, a turning point had been reached in the planned dismantling of the secular and democratic India created by Mohandas K. Gandhi and Jawaharlal Nehru, and in carrying out her transformation into a majoritarian Hindu-connotated authoritarian regime was highlighted by Modi himself on 5 August 2020. In that day, Narendra Modi, in a nationally televised event, not as a private citizen but as a constitutional authority, laid the foundation stone, a 40-kilogram silver block, of the mega temple to the God Ram in Ayodhya. The temple was being built on the ground where formerly stood the Babri Masjid, the mosque destroyed by Hindutva militants on 6 December 1992.<sup>61</sup>

arrested, detained, questioned in India in 2020 for their work', *The News Minute*, 6 January 2021. On the same topic, see also: 'India increasing abuse of laws to harass journalists', *International Press Institute*, 15 May 2020; 'India arrests dozens of journalists in clampdown on critics of Covid-19 response', *The Guardian*, 31 July 2020; '«Double assault» on press freedom decried', *Matters India*, 8 September 2020; 'Attacked, Arrested, Left Without Recourse: How 2020 Was for India's Journalists', *The Wire*, 26 December 2020. For the situation in Kashmir see '2020 saw surge in «harassment» of Kashmir journalists', *Al Jazeera*, 29 December 2020.

59. Samar Halarnkar, 'The widening war against India's women journalists', *Scroll.in*, 24 October 2020.

60. Sarah Repucci, *Freedom in the World 2020 - A Leaderless Struggle for Democracy*, Freedom House, 2020 (<https://freedomhouse.org/report/freedom-world/2020/leaderless-struggle-democracy>).

61. The Ayodhya question has been widely discussed in the previous *Asia Maior* issues. A handy and on the whole well-balanced summing up of the whole question is, rather paradoxically, in the same Supreme Court's judgement which de facto justified

The laying of the foundation stone was part of a Bhumi Pujan, a Hindu religious ceremony seeking the blessings of the goddess Bhuma Devi, namely the Mother Earth Goddess.<sup>62</sup> The day chosen for the foundation ceremony, 5 August 2020, had officially been selected because it was considered auspicious according to Hindu astrology. However, the fact that 5 August 2020 was the first anniversary of the dismantling of Jammu & Kashmir as a Union state and the imposition of a brutal regime of military occupation on the former Muslim majority state could hardly go unnoticed.

Modi claimed that the construction of the mega temple to Ram was an instrument to unite the country. It was a statement that could appear an Orwellian overturning of reality only if one forgets that the country Modi had in mind was not secular India but the Hindu Rashtra whose creation had been the Hindutva forces' strategic long-term objective since the 1930s. Seen in this light, Modi's assertion that «5 August should be considered as important a date as 15 August, Independence Day»<sup>63</sup> makes perfect sense. 15 August 1947 marked the end of an old nation, colonial India, and the naissance of the new one, an independent, democratic and secular India; likewise – at least in Modi's mind – 5 August 2020 marked the end of an old nation, a democratic and secular India, and the naissance of the new one: an authoritarian Hindu India, ruled by a state of and for its Hindu majority.

## 2.6. *The unexpected rise of a new challenge to the Modi government*

As noted by well-known writer, former international diplomat and Congress politician Shashi Tharoor, in an article published a few days after the 5 August ceremony: «Many commentators have concluded that Prime Minister Narendra Modi's government has already, in effect, inaugurated a “second republic” by upending the key assumptions of the first».<sup>64</sup>

The «despairing analysts» who had come to the above conclusion might appear to have been spot on in their assessment. Tharoor, nonetheless, concluded that: «Over the last six years, the votaries of Hindu nationalism have savoured the illusion of victory, but the struggle for India's soul is still being waged».<sup>65</sup>

the destruction of the Babri Masjid by Hindu extremists. The judgement is available in several sites on the internet. For more precise references see Michelguglielmo Torri, 'India 2019: Assaulting the world's largest democracy; building a kingdom of cruelty and fear', p. 378, fn. 122.

62. 'Ayodhya Ram Mandir Bhumi Pujan on August 5: Know what is Bhumi Pujan and why it is performed', *Times Now Digital*, 24 July 2020.

63. 'Ram Mandir an instrument to unite India, 5 August as important as 15 August, says PM Modi', *The Print*, 5 August, 2020.

64. Shashi Tharoor, 'Ayodhya has set the seal on Modi's grand Hindutva project', *Gulf News*, 11 August 2020.

65. *Ibid.*



Tharoor's could look as an over-optimistic conclusion. It is however a fact that, in October, a massive and widespread grass-root opposition movement to the Modi government took shape. It was in answer to three farm laws, passed in September, which had been rammed through parliament without heeding any criticism, not even from allies,<sup>66</sup> without allowing the opposition the time to properly discuss them,<sup>67</sup> and in a context of dubious legality.<sup>68</sup> The three farm laws,<sup>69</sup> presented as an effort at modernization of the farm sector and beneficial to the well-being of the farmers, far from catering for the farmers' interests, favoured those of the great economic groups which were such an important bulwark for the power of the Prime Minister. The new legislation intervened in an agrarian economy characterised by a long-term crisis, made worse, deeper and more extensive by the neoliberal policies launched in the summer of 1991.<sup>70</sup> The remedy thought out by the Modi government was that

66. The minister for Food Processing, Harsimrat Kaur Badal, of the Shiromani Akali Dal, one of the BJP's oldest allies, resigned in protest against what she considered an anti-farmer legislation. 'Harsimrat Kaur Badal quits Union Cabinet in protest against two agri Bills', *The Hindu*, 17 September 2020.

67. The opposition's request that the bills be sent to a parliamentary panel for detailed scrutiny was rejected, while eight of the most vocal opposition members were expelled up to the end of the Monsoon session. 'Rajya Sabha suspends 8 opposition MPs', *The Hindu*, 21 September 2020.

68. Constitutionally, agriculture is a subject on the states' list and, as a consequence, only states should be entitled to legislate on it. Apart from that, a crucial final vote in the Rajya Sabha was taken as a voice vote, and not through division. In India, voice vote, because of the possibility that its result might be distorted by the speaker, is normally taken only for decisions on which there is quasi-unanimity, which was certainly not the case here. On the advantages and disadvantages of the voice vote, see, e.g., Shoaib Daniyal, 'What is a «voice vote» and why has it created a controversy in the Manipur assembly?', *Scroll.in*, 12 August 2020. On the specific case of the farm bills, see Shoaib Daniyal, 'Dubious voice vote to pass critical farm bills severely dents Indian democracy', *Scroll.in*, 20 September 2020; FP Staff, 'Parliament's Monsoon Session: RS passes farm bills amid Opposition fury; in LS, Centre faces heat over COVID-19', *Firstpost*, 20 September 2020.

69. They were: the Farmer's Produce Trade and Commerce (Promotion and Facilitation) Act, 2020; the Farmers (Empowerment and Protection) Agreement of Price Assurance and Farm Services Act, 2020; and the Essential Commodities (Amendment) Act, 2020.

70. The agrarian crisis in India is the end product of the series of long-term causes, such as the progressive diminution of the average plot of land, due to intense population pressure, the vagaries in agricultural production, the overuse of fertilizers and pesticides, the steady growth in the cost of agricultural production, etc., which cannot be analysed here. All other causes, however, had been worsened by the launching of the new neoliberal policy in 1991, which had resulted in the government decision to scale down state investments across the Indian economy. According to neoliberal orthodoxy, the state's withdrawal would be more than compensated by the growth of private investment. This did not happen in a high-risk sector as agriculture. On investment trends in Indian agriculture since the start of the neoliberal reforms, see: Praveen Jha & Mario Negre, 'Indian Economy in the Era of Contemporary Glo-

of administering further doses of neoliberalism. In fact, the three new farm laws opened the door to multi-national and domestic corporations to buy agricultural produce at whatever price, and stockpile it without limits – or, differently put, hoard it, which had hitherto been forbidden by law. They also made possible for corporations to contract, without any regulation, what the farmers would produce and its amount.<sup>71</sup> As 86% of India's farmers are small or marginal, with landholdings of less than two hectares/five acres,<sup>72</sup> the new legislation put them at the sweet mercy of the great corporations.

It is true that the new legislation did not abolish either the *mandi* system or the minimum support price (MSP).<sup>73</sup> But the farmers overriding

balisation: Some Core Elements of the Balance Sheet', *Macroscan*, January 2007; Ajay Dandekar & Sreedeeep Bhattacharya, 'Lives in Debt. Narratives of Agrarian Distress and Farmer Suicides', *Economic & Political Weekly*, LII, 21, 27 May 2017; Rahul Wagh & Anil P. Dongre, 'Agricultural Sector: Status, Challenges and it's [sic] Role in Indian Economy', *Journal of Commerce & Management Thought*, 7, 2, 2016.

71. 'The farm acts: All you need to know', *Indian Development Review*, 24 September 2020 (updated on 29 September).

72. Tanvi Deshpande, *State of Agriculture in India*, PRS Legislative Research, March 2017. See also: Sumit Chaturvedi, 'Land Reforms Fail: 5% of India's Farmers Control 32% of Land', *IndiaSpend*, 4 May 2016; Sayantan Bera, 'Small and marginal farmers own just 47.3% of crop area, shows farm census', *Mint*, 1 Oct 2018.

73. Up to the three farm acts of 2020, the first sale of agriculture produce could occur only at state-controlled *mandis* (market yards), run by Agricultural Produce Market Committees (APMCs), namely marketing boards established by the Indian states. At the APMC *mandis*, the minimum support price (MSP) was practiced, with the double aim of safeguarding farmers from exploitation by large retailers and assuring that the difference between the farm prices and the market retail prices did not become too wide. The MSP was fixed twice a year by the central government on the recommendations of a statutory body, the Commission for Agricultural Costs and Prices (CACP). In recent years, the agricultural items for which the MSP had been practiced were, in theory, 23. Apart from wheat, paddy and to some extent cotton, however, there was no assured government procurement for the remaining MSP-guaranteed crops. This means that, for most agricultural items, the MSP existed only in theory, making the MSP protection only partial. In fact, the limitation of the protection offered by the MSP, together with what the farmers considered the insufficient level of the prices fixed by the central government, had already been at the roots of protracted farm agitations in the previous years. Nonetheless, while partial and unsatisfactory, the MSP powerfully contributed to the support of farm activities, particularly in the states of Punjab and Haryana, where the system worked at its best. This explains why the fear that it could be abolished triggered a new and more massive wave of farmer agitation. On the *mandi* system and MSP see Unnati Sharma, 'What's MSP and how is it determined? The issue at the heart of farm protests', *The Print*, 8 December 2020. See also: G. S. Gupta, 'Agricultural Prices Policy and Farm Incomes', *Economic and Political Weekly*, Vol. 15, No. 39 (27 September 1980); Kirit S. Parikh, A. Ganesh-Kumar and Gangadhar Darbha, 'Growth and Welfare Consequences of Rise in MSP', *Economic and Political Weekly*, Vol. 38, No. 9 (1-7 March 2003); M. Raghavan, 'Politics of Procurement and Price Support', *Economic and Political Weekly*, Vol. 39, No. 5 (31 January – 6 February, 2004); M. Raghavan, 'Political Economy of Farm Price Fixation', *Social Scientist*, Vol. 39, No. 3/4 (March-April 2011).

fear was that the ultimate goal of the new legislation was precisely creating a situation bound to cause the withering away of the *mandi* system and the abolition the MPS.<sup>74</sup>

Here it is worth stressing that Union Agriculture Minister Narendra Singh Tomar, during the farm bills-related parliamentary debate, had stated that «MPS was, is, and will continue to remain in future».<sup>75</sup> Nonetheless, apart from the dubious correctness of its language, Tomar's commitment did not carry much weight, as it had been coupled by the government's unwillingness to accept the Opposition's demand «to include MSP as a legal entitlement for all farmers» when the new farm legislation was under consideration.<sup>76</sup> It is also possible that the farmers' lack of confidence in the government's intentions stemmed from the fact that two of the three acts<sup>77</sup> included «the most sweeping exclusions of a citizen's right to legal recourse in any law outside of the Emergency of 1975-77».<sup>78</sup> In a nutshell, they exempted any government officer or any other person, «acting in good faith» in pursuance of the finalities of the acts, from the jurisdiction of any civil court. In so doing they made impossible legal recourse against any abuse related to the application of the two acts.

By itself, the entering on the national political stage of the farmers was enough to renew hopes in the politics of mass agitation. Undoubtedly, some analysts do believe that medium and large-scale farmers from northern India, namely the backbone of the farmer agitation, are among the most conservative elements in Indian society. Nevertheless, at least in some of those taking part in the farmer mass agitation there was the perception that their struggle was indeed part of a wider pro-democracy struggle.<sup>79</sup>

74. Monika Mandal, 'Why Farmers Are Worried About New Laws; It's The History', *IndiaSpend*, 2 December 2020.

75. 'Harsimrat Kaur Badal quits Union Cabinet in protest against two agri Bills'.

76. *Ibid.* Tomar reiterated the promise to maintain both the MPS and *mandi* system in a series of tweets and in an official open letter to the farmers, without nonetheless being able to convince them of the government's good faith. All India Radio, News Service Division, *Agriculture Minister Narendra Singh Tomar reassures farmers, MSP will continue & APMC mandis will not be scrapped*, 10 December 2020; Government of India, Ministry of Agriculture & Farmers Welfare, *Agriculture Minister Shri Narendra Singh Tomar's Letter to Farmers*, 17 December 2020.

77. The Farmer's Produce Trade and Commerce (Promotion and Facilitation) Act, 2020, and the Farmers (Empowerment and Protection) Agreement of Price Assurance and Farm Services Act, 2020.

78. P. Sainath, 'Did You Think the New Laws Were Only About the Farmers?', *The Wire*, 9 December 2020.

79. In the words of Joginder Ugrahan, president of the BKU (Ekta-Ugrahan), a farmer organization actively promoting the agitation: «We are confronting a prime minister who is behaving like an exploitative king. All these activists and intellectuals have been arrested on false charges merely because they highlighted the plight of the poor, without bothering about their own safety. It is now our responsibility that

At the closing of the period under review, the farmer agitation was in full swing, confronting the Modi government with a new and unforeseen challenge. Supported by a wide array of trade union organizations and several parties, which prevented the danger of its rapid deflating,<sup>80</sup> the farmers' movement had opened a new political space. It was offering a new fighting chance to those Indians for whom democracy and secularism were still important, justifying Tharoor's contention that the struggle for India's soul was still being waged.

### 3. *A case study: how the pro-democracy movement was repressed*

It is to the fleshing out of what may be seen as the most significant of the events briefly recalled in the preceding outline that I will now proceed. The anti-CAA/NRC movement's struggle for democracy and its repression on the part of the Modi government and the Hindutva forces is analysed in the remainder of this article.

#### 3.1. *The anti-CAA/NRC movement from offensive to defensive*

According to an IndiaSpend analysis: «Between December 11, 2019 and March 9, 2020, at least 802 demonstrations were held over the [CAA] Act, 85% of which were protests demanding that the Act be repealed and the remaining in support of it».<sup>81</sup> As discussed elsewhere, the movement, in its first phase – which lasted up to mid-January – was an inter-class, multi-religious affair, widespread in much of urban India and characterised by a wide participation of women and persons of all age groups.<sup>82</sup> The pro-democracy protests were accompanied by a massive general strike on 8 January, called by 10 central union federations. The demands of the central union federations – formulated in a 12-point charter – included not only measures to provide jobs for the

we extend our support to them. That is why we are also demanding the release of all these intellectuals and activists, apart from our resistance to the farm laws». 'It's Time We Speak up For Each Other': Farmers' Group Supports Political Prisoners', *The Wire*, 11 December 2020.

80. See Diego Maiorano's comments on the limited staying power of mass movements unsupported by some form of organisation that can sustain their long-term mobilisation, «such as political parties or civic organisations». According to Maiorano, without this kind of support mass movements «tend to fizzle out with time». Diego Maiorano, 'The Deeper Implications of India's Protests Against the Citizenship Act', *ISAS Insights*, 23 January 2020.

81. Shreya Raman & Gulal Salil, 'What Made News Other Than COVID In 2020', *IndiaSpend*, 2 January 2021.

82. Michelguglielmo Torri, 'India 2019: Assaulting the world's largest democracy; building a kingdom of cruelty and fear', pp. 380-389.

unemployed, basic social protections for all workers and increases in pensions and minimum wages, but also the repeal of the CAA and NRC.<sup>83</sup>

Around mid-January, while the participation of women and lower classes continued to be strong, the participation of upper-middle class members, students and celebrities – which had hitherto been such a distinguishing feature of the movement – started to falter. As argued by Indian journalist and writer Raghu Karnad, at that point in time «the political stamina of elite participants was waning. It still existed, but was retreating from streets and squares back on social media».<sup>84</sup>

This was the result less of the massive repression unleashed against the movement by the central government and the BJP-ruled states (on which more later) than the fact that, as already noted, a mass movement has a short life-span if not supported by some form of organisation that can sustain long-term mobilisation. Unfortunately, as pointed out by Italian researcher Diego Maiorano, «no party with a national appeal» appeared willing to support the protests.<sup>85</sup> This was not particularly surprising as many opposition parties had in fact supported the CAA in Parliament. The main party which could have offered an organizational support to the protests, namely the Congress party, was maintaining an ambiguous stance, because fearful to be seen as siding with the Muslims.<sup>86</sup>

The situation was somewhat different at the state level, where some leaders of regional parties – in particular the Trinamool Congress Party in West Bengal – supported the agitation.<sup>87</sup> However, the lack of an institutionalised all-India structure to prop up the movement caused its gradual loss of momentum and the shifting from an offensive to a defensive strategy. In other words, the movement went from the organization of «broad-based, periodic, but attention-seizing protest events» to «continuous sit-in» events, modelled on the first, most lasting, and most famous among them, the Shaheen Bagh sit-in.<sup>88</sup>

83. Deepal Jayasekera & Keith Jones, 'Massive all-India general strike protests Modi's pro-investor, communalist policies', *World Socialist Web Site*, 9 January 2020.

84. Raghu Karnad, 'Farewell to Shaheen Bagh, as Political Togetherness Yields to Social Distance', *The Wire*, 24 March 2020.

85. Diego Maiorano, 'The Deeper Implications of India's Protests Against the Citizenship Act'.

86. *Ibid.* Some individual congressmen – in particular Mani Shankar Aiyar and Shashi Tharoor – joined the anti-CAA/NRC protests. See: 'Shashi Tharoor visits Jamia, JNU, Shaheen Bagh; says CAA against Mahatma Gandhi's ideals of unity', *The New Indian Express*, 12 January 2020; 'Congress leader Mani Shankar Aiyar visits Shaheen Bagh, creates row with «kaatil» remark', *India Today*, 14 January 2020. However, apart from the fact that their weight in the Congress Party was limited, Tharoor and Aiyar appear to have acted on a personal capacity.

87. Diego Maiorano, 'The Deeper Implications of India's Protests Against the Citizenship Act'.

88. Raghu Karnad, 'Farewell to Shaheen Bagh, as Political Togetherness Yields to Social Distance'.

The so called Shaheen Bagh sit-in had begun on 15 December 2019, when a small group of women residing in the mainly Muslim neighbourhood of that name in Southeast Delhi occupied the nearby highway connecting Delhi to its satellite city Noida. In the following days, the number of women occupiers grew to some hundreds. More important, the occupied ground became the focus of demonstrations attracting huge crowds supporting the anti-CAA/NRC cause and protesting against police violence. The Shaheen Bagh sit-in also became the sounding board for a number of other worthwhile causes, including that of the Indian farmers and the support of the general strike of 8 January.<sup>89</sup>

The Shaheen Bagh continuing sit-in was replicated in other parts of Delhi and India at large. Nonetheless, with the virtual petering away of «broad-based, periodic, but attention-seizing protest events», the «continuous sit-in model could inherently not sustain public attention». Hence, by «early February, the anti-NRC movement was losing its visible diverse character and starting to look exclusively Muslim – precisely what its powerful opponents were waiting for».<sup>90</sup>

### 3.2. *Deploying police and mob violence against the supporters of the pro-democracy movement*

In BJP-ruled Indian states and the territory of Delhi,<sup>91</sup> the anti-CAA demonstrations, which doubled as anti-NRC demonstrations, were countered by the use of police violence and fascist-like aggressions on the part of bands of hooligans. This trend was already clearly visible in December 2019, when it reached its highest point on the 15, with the simultaneous police attacks on the Jamia Millia Islamia of Delhi and the Aligarh Muslim University, namely the two key Muslim institutions of higher learning in India.<sup>92</sup> The same trend became even more pronounced during the first two months of 2020.

89. 'Shaheen Bagh sit-in: How Muslim women have taken the lead at Delhi CAA protest', *India Today*, 26 December 2019; 'Shaheen Bagh protest organiser calls it off, can't get people to vacate', *Hindustan Times*, 2 January 2020; 'CAA protest enters 27th day at Jamia, Shaheen Bagh', *The New Indian Express*, 9 January 2020; 'Women vow to fight against citizenship law', *Matters India*, 11 January 2020; Hannah Ellis-Petersen & Shaikh Azizur Rahman, '«Modi is afraid»: women take lead in India's citizenship protests', *The Guardian*, 21 January 2020; Wasantha Rupasinghe, '«Shoot them down» – India's government incites violence against opponents of its anti-Muslim citizenship law', *World Socialist Web Site*, 13 February 2020.

90. Raghu Karnad, 'Farewell to Shaheen Bagh, as Political Togetherness Yields to Social Distance'

91. The territory of Delhi was governed by an opposition party, the Aam Aadmi Party, but, being a territory and not a state, the local police was not under the control of the local Aam Aadmi Party government, but of Union Home Minister Amit Shah, Modi's closest associate.

92. Michelguglielmo Torri: 'India 2019: Assaulting the world's largest democracy; building a kingdom of cruelty and fear', pp. 380-382.

Police repression was particularly harsh in UP, whose state government was headed by Yogi Adityanath, a notorious Hindu extremist and Muslim-hater.<sup>93</sup> Here police liberally made use of firearms against the pro-democracy manifestants. Also, there are good reasons to think that, already in December 2019, peaceful local demonstrations were infiltrated by criminals «who resorted to vandalism and arson — and sometimes shooting».<sup>94</sup> This justified the police crack-down on the anti-CAA/NRC protesters. Interestingly, in the fire exchanges that marred the UP demonstrations, the demonstrators and passers-by who suffered gunshot wounds were struck by bullets fired from rifles or revolvers, being hit, most of the times in the head, chest and abdomen. Conversely, police officers who were wounded suffered mostly pellet injuries, namely injuries caused by projectiles designed to be shot from an air gun: also, police officers were usually hit in the arms and legs. Not surprisingly, while the wounded police officers were out of hospital in 48 hours, at least 19 injured demonstrators or passers-by died because of their wounds.<sup>95</sup>

### 3.3. *The attack on JNU*

During the first two months of 2020, the most glaring incidents took place in Delhi, first at the Jawaharlal Nehru University (JNU) and then in the North-east of the city. On 5 January, masked men armed with rods, lathis and clubs, burst into JNU, one of the main higher learning institutions in India, where most students and professors were known for their left-wing political sympathies and their opposition to the Hindutva ideology. The intruders attacked students and professors, while chanting «Hail Ram», which, by then, had unfortunately become the distinctive war cry of Hindu extremists. The police stationed in front of the JNU campus entrances, some two hundred of them, did nothing to prevent or stop the mayhem. Likewise, the JNU security personnel, under the control of the JNU vice-chancellor, a man handpicked by the Modi government in 2016, did not move a finger. The result was that more than 40 students (many of them female students) were hospitalized, many with serious injuries.<sup>96</sup>

93. On Yogi Adityanath see Véronique Bouillier, 'Yogi Adityanath's Background and Rise to Power', *South Asia Multidisciplinary Academic Journal*, 24/25, 2020.

94. Piyush Srivastava, 'UP protesters «shot like dogs»', *The Telegraph*, 17 January 2020.

95. *Ibid.*

96. Kay Schultz & Suhasini Rai, 'Masked Men Attack Students in Rampage at University in New Delhi', *The New York Times*, 5 January 2020; Tanseem Haider, 'JNU violence timeline: How it all started with Left-ABV clash a day before, led to Sunday's mayhem', *India Today*, 6 January 2020. On the strictness of the JNU campus entry norms, see the testimony of the former vice chancellor of Aligarh Muslim University, Lt Gen Zameer Uddin Shah, 'Ex-AMU vice chancellor writes: «Why did police go berserk in Jamia, Aligarh but failed to act at JNU?»', *Scroll.in*, 11 January 2020. Shah wondered as it had been possible, for armed and masked thugs, to move into and out of the JNU campus without any hindrance, in spite of the strict vigilance usually maintained on its entrances, of which he had been witness when visiting JNU.

Although the armed thugs were masked, their victims had few doubts that they belonged to the Akhil Bharatiya Vidyarthi Parishad (ABVP), a Hindutva student organization. The police, nonetheless, appeared unable to identify the authors of the 5 January attack, exactly as they had been unable first to prevent their entrance into the campus and then to arrest them when they were leaving it. On the top of it, the day after the raid on the campus the police filed an FIR<sup>97</sup>, based on a complaint by the JNU administration, against the president of the JNU Student Union (JNUSU), (Ms.) Aishe Ghosh, and 19 other students. They were investigated «for attacking security guards and vandalising the server room a day before the Sunday [5 January] violence on JNU campus».<sup>98</sup> Ironically, Ghosh was one of the students badly beaten up by the masked intruders who had attacked JNU. She had had to be hospitalized because of a wound in the head.<sup>99</sup>

### 3.4. *The Delhi violence: those who killed and those who abetted the killing*

Much more widespread, protracted and serious than any previous CAA/NRC-related incidents were the riots in Northeast Delhi. The riots started on 23 February as a communal Hindu-Muslim clash, reaching their apex on 25 and 26 February, when they metamorphosised into a full-fledged anti-Muslim pogrom. Isolated incidents followed on 27 and 28, halting completely only on 29 February.

According to official data, the riots resulted in 53 known cases of death and 473 cases of people injured.<sup>100</sup> Of the 53 identified deaths, 40 (namely three quarters of the casualties) were Muslims and 13 (namely a quarter) Hindus.<sup>101</sup> Hundreds of houses, shops and vehicles were burned,

97. An FIR (First Information Report) is «an information of commission of cognizable offence given to police by victim or any other person having knowledge that a cognizable offence has been committed» (Deepak Sharma, 'What is an FIR?', *Legal Service India E-Journal*, without date). In practice an FIR represents the official start of an investigation into a possible crime by the Indian police.

98. 'Delhi Police files FIR against JNUSU chief Aishe Ghosh, others after complaint by JNU admin', *India Today*, 7 January 2020.

99. 'JNU violence: JNUSU head, professors admitted to AIIMS', *The Indian Express*, 6 January 2020.

100. N.D. Jayaprakash, 'Delhi Riots 2020: There Was a Conspiracy, But Not the One the Police Alleges', *The Wire*, 15 July 2020.

101. 'Delhi Riots Death Toll at 53, Here Are the Names of the Victims', *The Wire*, 6 March 2020 (updated on July 15, 2020 with the list of names of the victims provided by the Delhi Police in an affidavit to the Delhi high court). Of course, the number of the identified deaths is almost certainly an undercount, as shown by the fact that the Delhi police, during and after the riot, arrested or detained 3,400 people, without making public the names of those arrested, not even to the concerned families (see N.D. Jayaprakash, 'Delhi Riots 2020: A Chronicle of Double Standards, and an Unending Witch-Hunt', *The Wire*, 14 July 2020). This opens the possibility that some families went on hoping that their disappeared members could be in police custody rather than dead.



most of them owned by Muslims.<sup>102</sup> Also destroyed were two schools, 14 mosques and one dargah (namely a shrine built over the grave of a revered Muslim religious figure).<sup>103</sup> Conversely, no Hindu temples were damaged (in at least one case because it was protected by local Muslim inhabitants).<sup>104</sup>

Summing up, the February riots/pogrom was the most serious instance of communal disturbances in Delhi since the anti-Sikh pogrom of 1984. It is therefore on its causes and course that we must now focus our attention.

### 3.4.1. *Sowing the wind ...*

In Delhi, the continuation of the anti-CAA/NRC movement and the attempt to repress it, in particular the Jamia Millia Islamia and JNU incidents, had created a situation of tension. Tension further escalated during the campaign leading to the election of the Delhi Legislative Assembly, held on 8 February 2020. The BJP, which aimed to reconquer Delhi and fielded his star campaigners in the electoral struggle – including Prime Minister Narendra Modi, Home Minister Amit Shah and UP Chief Minister Yogi Adityanath – led «one of the most reckless communal campaigns launched by the Bharatiya Janata Party (BJP), since ascending to power at the Centre in 2014».<sup>105</sup> The main and, at times, the exclusive target of BJP politicians' inflammatory speeches was the anti-ACC/NRC movement in general and the Shaheen Bagh ongoing sit-in in particular. Amit Shah set the tone of the BJP campaign attacking the Shaheen Bagh protesters and the «*tukde-tukde gang*».<sup>106</sup> Other BJP members, following Shah's example, gave a

102. Javed M. Ansari, 'Why This Report Says The Delhi Riots Were A Pogrom', *Article14*, 18 July 2020 [Interview of M. R. Shamshad, head of Fact-Finding Committee on the North-East Delhi riots appointed by the Government of Delhi Minorities Commission]. The *Report of the Fact-Finding Committee on the North-East Delhi Riots of February 2020*, Delhi: Delhi Minority Commission, 2020, is available at <https://archive.org/details/DMC-delhi-riots-fact-finding-2020/page/n1/mode/2up>.

103. Anjali Mody, 'In photos: Fourteen Delhi mosques and a dargah that were burnt by Hindutva vigilantes in three days', *Scroll.in* 12 March 2020; N.D. Jayaprakash, 'Delhi Riots 2020: There Was a Conspiracy, But Not the One the Police Alleges'.

104. The temple saved by a human chain made up of the residents of Chand Bagh, a predominantly Muslim locality, was the Shree Durga Fakiri Mandir. E.g., 'Muslims form human chain to save temple in Delhi', *Frontline*, 27 February 2020; 'Chand Bagh locals form human chain to protect temple amid Delhi violence' ([https://www.youtube.com/watch?v=5gfB1r\\_2238](https://www.youtube.com/watch?v=5gfB1r_2238)).

105. Manobina Gupta, 'Delhi Polls, Hate Speech and BJP's Most Reckless Communal Campaign yet', *The Wire*, 2 February 2020.

106. The expression «*tukde-tukde*» implies breaking or cutting something into small pieces. «*Tukde-tukde gang*» is another favourite BJP code expression – together with «urban Naxals» – to slander its opponents. While the term «urban Naxals» implies that anybody concerned with the improvement of the life-conditions of the most backward social strata is a dangerous and violent Marxist revolutionary, the term

series of even more incendiary election speeches: Union Minister of State for Finances Anurag Thakur, referring to the anti-CAA/NRC protesters, chanted the slogan: «Shoot the traitors of our country»; BJP Member of Parliament Parvesh Verma claimed that the people gathered at Shaheen Bagh would «enter your house ... abduct your sisters and mothers, rape them, kill them»; finally, UP Chief Minister Yogi Adityanath, referring to the anti-CAA/NRC protesters, stated: «Those who don't understand words, will surely understand the language of the bullet».<sup>107</sup> On his part, the then much less famous Kapil Mishra – a former AAP member who had gone over to the BJP – tweeted that the Delhi elections were akin to an «India versus Pakistan» clash and that «Pakistan is entering [India] through Shaheen Bagh, and mini-Pakistans are being created in Delhi», adding that «Pakistan rioters are occupying the roads».<sup>108</sup>

Ultimately the BJP divisive communal campaign was a failure: a majority of Delhi voters preferred to heed the AAP campaign, «highlighting its performance in improving the quality of government schools and health clinics, providing subsidised water and electricity and ensuring free public transport for women».<sup>109</sup> The result was a convincing victory for the AAP, which returned to power winning 62 out of the 70 seats in the Delhi Assembly, while the BJP came «a distant second» with just eight seats.<sup>110</sup> Nonetheless, the BJP nefarious campaign had transformed Delhi into a seething cauldron of communal hate, or, if you like, a kind of powder keg of which the smallest accident could cause the explosion. This incident and the ensuing explosion occurred soon enough.

### 3.4.2. *Reaping the whirlwind: the first phase*

On 22 February, there was the attempt to replicate once more the Shaheen Bagh sit-in, this time in Northeast Delhi, where a group of women protesters blocked a main road in Jaffrabad.<sup>111</sup> The following day (Sunday 23 February), «false rumours of a Muslim uprising spread across rightwing

«tukde-tukde gang» suggests that those opposing the BJP are against the unity of India. See «'Tukde-tukde' gang warned», *The Telegraph*, 26 December 2019; Shanker Arnimesh, 'Amit Shah, Adityanath, Anurag Thakur – 5 most provocative speeches of Delhi elections', *The Print*, 7 February 2020.

107. Shanker Arnimesh, 'Amit Shah, Adityanath, Anurag Thakur – 5 most provocative speeches of Delhi elections'; Revathi Krishnan, 'Days before Budget, minister Anurag Thakur chants «desh ke gaddaron ko, goli maaro saalon ko»', *The Print*, 27 January 2020.

108. '48-hour Campaign Ban On BJP's Kapil Mishra Over Communal tweet', *NDTV*, 25 January 2020.

109. Ranojoy Sen, 'Aam Aadmi Party Storms Back to Power in Delhi', *ISAS Brief*, No. 746, 14 February 2020.

110. *Ibid.* The third major party, the Congress, drew a blank, being unable to win even a single seat.

111. Soma Basu, 'Delhi: The Anatomy of a Riot', *The Diplomat*, 27 February 2020.

Hindu social media, alleging dozens of mosques in Delhi had announced over loudspeakers that they would throw all Hindus out of Delhi and that the police had arrested 32 imams». <sup>112</sup>

That same day, Kapil Mishra, the BJP politician already quoted above, who had been roundly defeated at the polls, «gave an incendiary speech in Kardampuri [two kilometres away from the occupied Jaffrabad road], calling upon a mob to attack Muslim and Dalit protesters in the area». <sup>113</sup>

Mishra delivered his speech in the presence of the smiling deputy commissioner of police for Northeast Delhi, Ved Prakash Surya, who, by not intervening, implicitly gave the green light to Mishra's call for direct action. <sup>114</sup> Soon after his speech, Mishra tweeted asking people to assemble at Maujpur, just a kilometre away from the occupied area, to «give an answer to Jaffrabad». A large number of people with saffron flags and raising slogans such as «Jai Shri Ram», «Shoot the traitors», and «Only those who talk of Hindu wellbeing will rule this country» answered Mishra's call. <sup>115</sup> They first harassed the Muslim residents at Maujpur, then marched against the Jaffrabad occupiers; stone pelting between the two groups followed. <sup>116</sup>

Already at that point in time, it was clear that the situation was becoming dangerous. In fact, soon after Kapil Mishra's tweet, the special branch and intelligence wing of the Delhi police had sent the first of several messages (at least six) through wireless radio to police headquarters, «warning of possible violence and asking for deployment [of police forces] to be stepped up». <sup>117</sup>

On the night of 23 February clashes between Hindutva goons and (mainly Muslim) protesters went on, but no additional deployment of police forces in Northeast Delhi ensued. On the morning of the following day, it became evident that the situation was going out of control. What police forces were deployed in the affected areas did intervene, but soon two things became manifest. The first was that the police forces deployed in the area where the disturbances were ongoing were too reduced in number and badly equipped to quell the disorders; in fact, at least a dozen police personnel were injured, including Head Constable Ratan Lal, who subsequently died. <sup>118</sup> The second thing to become manifest was that at least a part of the police personnel appeared concerned less in dividing the opposing groups

112. Hannah Ellis-Petersen, 'Inside Delhi: beaten, lynched and burnt alive', *The Guardian*, 1 March 2020.

113. N.D. Jayaprakash, 'Delhi Riots 2020: A Critique of Two Purported Fact-Finding Reports', *The Wire*, 6 July 2020.

114. *Ibid.*; Soma Basu, 'Delhi: The Anatomy of a Riot'.

115. Of course, many of the slogans voiced by the pro-Hindutva crowd were the repetition of those uttered by BJP politicians in public speeches in the preceding weeks.

116. Soma Basu, 'Delhi: The Anatomy of a Riot'.

117. N.D. Jayaprakash, 'Delhi Riots 2020: There Was a Conspiracy, But Not the One the Police Alleges'.

118. *Ibid.*

than attacking Muslim anti-CAA/NRC protesters. Other police personnel openly sided with the Hindutva hooligans, helping them in their hunt of Muslims.<sup>119</sup> Also, according to some witnesses, three senior police officials went so far «to fire at and kill protesters».<sup>120</sup>

Strangely enough, no additional police forces were deployed for the whole day of 24 February; rather, by mid-afternoon, the police apparently withdrew from the affected area. This, in turn, «allowed the violent mobs to run amok».<sup>121</sup> What made the Delhi police inaction strange – and, indeed, suspicious – was that this course of action was implemented in spite of three developments which would apparently suggest a quite different strategy. These were: (a) the losses sustained by police personnel, which, as a rule, would have caused a massive strengthening of the police forces on the ground, rather than their withdrawal; (b) the fact that the Delhi Police headquarters were fully aware of the increasing seriousness of the situation, as they were continuously monitoring what was happening on the ground through the use of drones; and (c) Narendra Modi's alter ego, Home Minister Amit Shah, a man famed for the decisiveness and rapidity of his actions, had taken direct charge of the law-and-order situation in Delhi.<sup>122</sup>

This apparently «utterly bizarre»<sup>123</sup> behaviour on the part of the police forces cleared the field to the next phase of the riots, namely their transformation from a Hindu-Muslim communal clash into an outright pogrom against the Muslim inhabitants of Northeast Delhi. Already on 24 February, «Hindu youths armed with machetes, metal rods and wooden sticks coming in trucks from the neighbouring states of Uttar Pradesh and Haryana» had entered the area affected by the disturbances, inciting the violence and stirring up local people.<sup>124</sup> In fact, apart from cold steel and the usual assortment of clubs and sticks, the Hindu hooligans joining the fray appear to have been liberally provided with firearms and bombs.<sup>125</sup> In the following two days (25 and 26 February) violence reached its apex, the Muslim inhabitants of Northeast Delhi

119. Hannah Ellis-Petersen, 'Inside Delhi: beaten, lynched and burned alive'; Kaushal Shroff, 'Delhi violence: Cops shouted «Jai Shri Ram» with armed Hindu mob, charged at Muslims', *The Caravan*, 25 February 2020; Kaushal Shroff, 'Men in uniform torched Mustafabad's Farooqia Masjid, assaulted people inside: Locals', *The Caravan*, 11 March 2020.

120. Prabhjit Singh, 'Dead and Buried. Senior police officers accused in Delhi violence; complainants continue to face intimidation', *The Caravan*, 24 June 2020.

121. N.D. Jayaprakash, 'Delhi Riots 2020: A Critique of Two Purported Fact-Finding Reports'.

122. *Ibid.*; N.D. Jayaprakash, 'Delhi Riots 2020: What Were Amit Shah and the MHA Doing When Violence Raged in the Capital?', *The Wire*, 7 July 2020.

123. N.D. Jayaprakash, 'Delhi Riots 2020: A Critique of Two Purported Fact-Finding Reports'.

124. Hannah Ellis-Petersen, 'Inside Delhi: beaten, lynched and burned alive'.

125. Prabhjit Singh, 'Dead and Buried. The widespread and under-reported use of explosives by Hindu mobs in the Delhi violence', *The Caravan*, 6 July 2020.

being the victims. According to Dr Meraj Ekram, of Al Hind Hospital, a basic medical facility right inside the area affected by the disturbances, the more than 500 hundred victims of violence who were taken care of in the hospital had mainly gunshot wounds, «but there were also stabbings, acid burns, and mutilated genitalia».<sup>126</sup> Also, infants and pregnant women were attacked and badly beaten up.<sup>127</sup> In the words of Dr Ekram, who looked «shellshocked»: «[t]he injuries we were seeing were horrifying; I have never seen such terrible things in my whole life».<sup>128</sup> Some people were burned alive, others were victim of bombs. Bombs were generously used to destroy Muslim-owned shops and buildings.<sup>129</sup> Either bands of hooligans or the police, alleging safety concerns, prevented ambulances from reaching the Al Hind, namely the only functioning medical facility in the area of the disturbances, and transfer to better equipped hospitals the victims of violence.<sup>130</sup>

### 3.4.3. *Reaping the whirlwind: the second phase*

25 and 26 February, the days when the violence morphed into an anti-Muslim pogrom, were also characterized by the intertwining of several different and relevant political happenings. The first was that President Trump, who had arrived in Delhi late in the evening the day before, busied himself in negotiations with Prime Minister Narendra Modi, while the American First Lady visited a school in South Delhi.<sup>131</sup> The presidential couple was kept afar from the hot spots of the ongoing violence, but the fact that their presence in Delhi coincided with widespread disorders induced the foreign press to focus its attention not only on the presidential visit, but on the disturbances too. This, of course, could not but embarrass the Indian Prime Minister.

No doubt, at that point Modi wanted a rapid end to the disorders, to be achieved by any means. With the benefit of hindsight, however, the suspicion is legitimate that, on 25 February if not before, Modi's trusted lieutenant, Home Minister Amit Shah, had lost control of the law-and-order situation in the city. On 24 and 25 February, he hopped from a meeting to another with high police officers, top bureaucrats, and representatives of the opposition parties, including Delhi Chief Minister Arvind Kejriwal,

126. Hannah Ellis-Petersen, 'Inside Delhi: beaten, lynched and burned alive'.

127. Soma Basu, 'Delhi: The Anatomy of a Riot'; Joanna Slater & Niha Masih, 'What Delhi's worst communal violence in decades means for Modi's India', *The Washington Post*, 2 March 2020.

128. Hannah Ellis-Petersen, 'Inside Delhi: beaten, lynched and burned alive'.

129. Prabhjit Singh, 'Dead and Buried. The widespread and under-reported use of explosives'.

130. On this, more later.

131. Donald Trump and his wife had landed in Ahmedabad on 24 February, where they were received with a rousing reception at the Motera Stadium. The same day the presidential couple had hopped to Agra, to visit the Taj Mahal, and had finally arrived in Delhi. They left Delhi late on 25 February.

without obtaining any concrete results as far as the situation on the ground was concerned.<sup>132</sup> Amit Shah's impotency is at least partly explained by the fact that the head of Delhi Police, Commissioner Amulya Patnaik, who had had a troubled relationship with his subordinates at least since November 2019, had lost control of his own police force.<sup>133</sup> In this situation, the Hindutva goons had been left free to run amok, with the police either standing by or actively contributing to spreading mayhem and chaos.

Of course, one could assume that leaving a free hand to the Hindutva thugs was exactly the goal pursued by Shah. What disproves this thesis – and represents the second politically relevant event which occurred on 25 February – is that, late in the afternoon of that same day, Modi shifted the control of the law-and-order situation in Delhi from Shah to National Security Advisor Ajit Doval. On his part, Doval appointed a special police commissioner (S. N. Srivastava) who, de facto, superseded Amulya Patnaik as the top Delhi police authority.<sup>134</sup>

Doval, immediately after being put in charge, undertook two widely publicized trips to the disorder affected areas, the first on the night 25 February and the second on 26 February in the afternoon. He took stock of the situation, allegedly reviewed security arrangements, and met leaders of different communities and common people, «leading a patient ear to the locals».<sup>135</sup> Doval came back from his tours informing the cabinet on the situation, which he thought to be now «under control».<sup>136</sup>

132. Five meetings between Amit Shah and senior bureaucrats, top police officers, and representatives of non-BJP parties, including opposition parties, were held on 24 and 25 February. 'As Delhi Death Toll Climbs, Amit Shah's Efforts To Control Violence', *NDTV*, 26 February 2020. On Arvind Kejriwal's bewildering conduct, varying between apathy towards the ongoing violence and complicity towards its perpetrators, see, e.g., Rohit Kumar, 'Lessons From Arvind Kejriwal's Response to the Pogrom in Delhi', *The Wire*, 2 March 2020.

133. 'How Delhi police commissioner Amulya Patnaik lost control of his force', *Hindustan Times*, 2 March 2020. Already before the Delhi riots, Patnaik's influence over his own men was at an all-time low. On Patnaik see also Puneet Nicholas Yadav, 'Jamia, JNU Fallout: Why Is Amulya Patnaik Continuing As Delhi Police Commissioner?', *Outlook*, 6 January 2020; PTI, 'Deep credibility crisis: What Amulya Patnaik leaves Delhi Police with after heading it for 3 years', *India Today*, 29 February 2020.

134. 'Delhi violence: PM appeals for peace, tasks NSA Doval to restore normalcy in capital', *The Week*, 26 February 2020; Sidharth Shekhar, 'NSA Ajit Doval given charge to bring Delhi violence under control, set to brief PM and Cabinet soon', *Timesnownews.com*, 26 February 2020; Moushumi Das Gupta, 'Why Modi decided to send Ajit Doval to enforce the law, bring peace to Northeast Delhi', *The Print*, 26 February, 2020.

135. This shockingly condescending quotation is in 'NSA Ajit Doval visits violence-hit areas in Delhi, assures security for all', *The New Indian Express*, 26 February 2020. See also: 'Delhi violence: PM appeals for peace, tasks NSA Doval to restore normalcy in capital'; Moushumi Das Gupta, 'Why Modi decided to send Ajit Doval to enforce the law, bring peace to Northeast Delhi'.

136. Soma Basu, 'Delhi: The anatomy of a Riot'.

In fact, as will be seen below, attacks on people and property in Northeast Delhi continued to happen for the whole of 26 February and the official death toll continued to climb. Nonetheless, the fact that Doval had taken charge must have reassured the Prime Minister, who, on 26 February, at 9.22 a.m. – namely between his National Security Advisor's first and second tour to Northeast Delhi – tweeted: «Peace and harmony are central to our ethos. I appeal to my sisters and brothers of Delhi to maintain peace and brotherhood at all times».<sup>137</sup> This was the first and last public statement by the Prime Minister on the Delhi disturbances.

The third politically relevant event which occurred on 25 February was triggered by the desperate situation at Al Hind hospital (we have already cited Al Hind, when reporting the testimony of one of the doctors working there). Al Hind hospital, in spite of its name, was only a small clinic, with two rooms and 10 beds, but also was the only medical facility within a radius of 7-10 kilometres, just at the centre of the violence-affected area. Hence, during the disturbances, it was the only place where the victims of the violence could find help. The result was that, as reported by Dr Mohammed Ahtesham Anwar,<sup>138</sup> the brother of the above quoted Dr Ekram and owner of the hospital, «injured people kept pouring in». They were taken care of for free (which, even in those days of slaughter was unusual), with no questions asked about their names and religion. Hence, in Dr Anwar words: «Between 24 and 28 February, I attended to around 400 or 500 patients».<sup>139</sup> That was possible because the «residents of the neighbourhood provided the clinic with cotton, bandages stitching material for stitching wounds, plaster, medicines and other first aid resources».<sup>140</sup> Again, with no help forthcoming from the police in spite of repeated calls,<sup>141</sup> it was thanks to the help of the residents of the neighbourhood, who prevented the goons on a rampage from entering the small lanes leading to Al Hind Hospital, that the clinic personnel and their patients were kept safe.

As above hinted, the goons in the area surrounding Al Hind Hospital and the police forces there deployed prevented ambulances from leaving

137. 'Delhi riots: PM Modi breaks silence, appeals for peace and brotherhood', *The New Indian Express*, 26 February 2020.

138. Sometimes Dr Anwar's second name is spelled 'Ehtesham'.

139. Sagar, 'Even doctors cried treating shot, bleeding patients: Al Hind's Dr Anwar on Delhi violence', *The Caravan*, 16 March 2020.

140. Ismat Ara, '«Did No Wrong»: Named in Murder Chargesheet, Delhi Doctor Who Treated Riot Victims Is Unafraid', *The Wire*, 3 July 2020.

141. Most of times Dr Anwar was unable to establish contact with the police. When he succeeded, the answer of the police was either to promise to intervene without doing anything or to rebuff Dr Anwar's request for help with abusive language and threats. See Ismat Ara, 'In aftermath of Delhi riots, overworked doctors, kindness of strangers at Al-Hind hospital set example for city admin', *Firstpost*, 27 February 2020, and Sagar, 'Even doctors cried treating shot, bleeding patients: Al Hind's Dr Anwar on Delhi violence'.

or reaching Dr Anwar's clinic. This was tantamount to condemn to death those patients who had such serious wounds that they could not be treated with the limited means of the Al Hind hospital, and who should have been transported to a properly equipped hospital. Dr Anwar's calls to the police headquarters had no results; a post on the internet, however, describing the plight at Al Hind hospital, became known. This resulted in a petition to the Delhi High Court being filed on 25 February by a group of concerned citizens, including doctors and documentary filmmaker Rahul Roy, requesting safe passage for seriously injured patients from Al Hind to the better equipped Guru Tegh Bahadur hospital.<sup>142</sup>

The two highest ranking Delhi High Court magistrates were either not in a position to take charge of the petition or unwilling to do it. Accordingly, the petition landed on the table of the Delhi High Court number three, Justice S. Muralidhar. Muralidhar, a magistrate well-known for his progressive positions,<sup>143</sup> immediately took action, convening a special bench, composed by himself and Justice A.J. Bhambhani, at his own residence, soon after midnight of 25 February.

After hearing several witnesses, including Dr M. A. Anwar, who was contacted by phone, the bench ordered the police to immediately provide safe passage to Guru Tegh Bahadur hospital for the injured persons who could not be treated at Al Hind hospital.<sup>144</sup> The special bench reconvened at 2.15 pm reviewing the action undertaken by the police and issuing new orders concerning the safe passage of the corpses of the victims, the setting up of help lines and help desks, safe passage of fire services and ambulances, and the setting up of shelters and provision of shelters, food, drinking water, medicines, blankets and bedding for the victims of the riot.<sup>145</sup>

In between the two sessions of the Muralidhar-Bhambhani special bench, the Delhi High Court was again approached, this time on behalf of well-known social activist Harsh Mander. The complaint brought on Mander's behalf was that the Delhi police had not registered any FIRs, namely had not started any enquires, in the cases of the «cognisable offences» represented by hate speeches responsible for instigating the ongoing violence in Delhi.<sup>146</sup> A new special bench, headed by Justice Muralidhar and including

142. Pritam Pal Singh, 'In midnight hearing, Delhi High Court orders evacuation of injured from Mustafabad's Al-Hind Hospital', *The Indian Express*, 26 February 2020.

143. E.g., Prabhjote Gill, 'Justice S Muralidhar who refused to be called «Your Lordship» – was also part of the bench that repealed Section 377', *Business Insider*, 27 February 2020.

144. The Wire Staff, 'Delhi Riots: After Late Night HC Direction to Police, Injured Muslims Get Safe Passage', *The Wire*, 26 February 2020; G. S. Mudur, 'Delhi violence: ambulances needed high court order at night', *The Telegraph*, 26 February 2020.

145. The Wire Analysis, 'Explained: What the 3 Orders by Justice Muralidhar Meant for the Delhi Riots', *The Wire*, 28 February 2020.

146. *Ibid.*



Justice Talwant Singh, convened at 12.30 pm of that same day. During the hearing, Muralidhar expressed «anguish» over the Delhi Police's failure to register FIRs against alleged hate speeches by BJP leaders Anurag Thakur, Parvesh Verma and Kapil Mishra. The bench directed the Delhi Police to «go strictly by the mandate of the law», which made the registration of FIRs related to cognizable offences compulsory, asking to take a «conscious decision» on the matter by 27 February. «We want peace to prevail. – admonished Justice Muralidhar, and, with reference to the anti-Sikh pogrom of 1984, he added – This city has seen enough violence. Let us not repeat 1984».<sup>147</sup>

As above noted, Justice S. Muralidhar was a progressive magistrate, which explains why he was considered with suspicion by the top echelons of a judiciary inclined to be supportive of the BJP. In fact, very possibly in order to prevent Muralidhar's possible ascension to the post of supreme judge of the Delhi High Court, the Supreme Court Collegium had recommended, already on 12 February, to move him from the Delhi High Court to the Punjab and Haryana High Court.<sup>148</sup> Soon after Muralidhar passed the orders concerning the registration of the FIRs related to Anurag Thakur, Parvesh Verma and Kapil Mishra, namely «close to midnight on February 26»,<sup>149</sup> the Ministry of Law & Justice, with a very suspicious timing, issued a notification transferring Muralidhar to the Punjab and Haryana High Court, «without stipulating the customary two weeks for the judge to wrap up business».<sup>150</sup>

Once Muralidhar was removed from the Delhi stage, most of his orders were quietly dropped. In particular no FIR was ever registered concerning Anurag Thakur, Parvesh Verma or Kapil Mishra. The only order issued by Justice Muralidhar to really become and remain operative was the one concerning the free movements of ambulances in the riot-affected areas. Even in this case, if Dr Harjit Singh Bhatti's testimony is to be believed, the behaviour of the police continued to be appalling. Dr Bhatti was part of a first team of doctors, willing to give their help as volunteers, who reached Al Hind Hospital on 26 February morning – namely after the Justice Muralidhar-headed special bench had issued the order to assure safe

147. The Wire Staff, 'Delhi Riots: HC Asks Police to Decide on FIRs Against BJP Leaders by Tomorrow', *The Wire*, 26 February. See also 'Delhi HC says we cannot let another 1984-like riots [sic]', *Deccan Herald*, 27 February 2020; The Wire Analysis, 'Explained: What the 3 Orders by Justice Muralidhar Meant for the Delhi Riots'.

148. 'Collegium recommends transfer of Delhi High Court's Justice Muralidhar, two other judges', *The Hindu*, 19 February 2020.

149. 'Justice Muralidhar clears the air on his transfer from Delhi HC to Punjab & Haryana HC', *The Hindu*, 5 March 2020.

150. The Wire Analysis, 'Explained: What the 3 Orders by Justice Muralidhar Meant for the Delhi Riots'. On the suspicious reasons and timing of Justice Muralidhar's transfer see also Chetan Lokur, 'Justice Muralidhar transfer: Lack of reasons for a transfer order in trying times', *Bar & Bench*, 28 February 2020. The author is an advocate at the Supreme Court of India.

passages to ambulances moving from or to Al Hind hospital.<sup>151</sup> Dr Bhatti, in an interview to a well-known national daily, recalled transporting a patient with a deep gunshot wound in the stomach in an ambulance headed towards GTB Hospital. The ambulance was stopped four times by the police, who «inspected the patient by opening his bandages». As rightly commented by Dr Bhatti: «That was the level of inhumanness on display».<sup>152</sup> And, we can add, that was the Delhi police's level of compliance to the Delhi High Court orders issued by the Muralidhar-headed special bench.

#### 3.4.4. *Reaping the whirlwind: the end of the massacres*

On 25 February, namely before Ajit Doval was put in charge of the law-and-order situation in Delhi and Justice Muralidhar issued his orders, the Rapid Action Force (RAF), the specialized police corps specifically created and trained to deal with riots, with the ability to deploy to areas of unrest with extreme rapidity, had been moved *near* the pogrom affected areas. Unfortunately, perhaps because a power vacuum occurred during the handover of power from Amit Shah to Ajit Doval, the RAF, although now stationed near the area of disturbances, «was not actually deployed to stop the riots/pogrom even as late as 11,30 pm on February 26».<sup>153</sup> The deployment in the pogrom-affected areas actually took place only on 27 February,<sup>154</sup> which, of course, casts a shadow on Ajit Doval's much vaunted abilities. Anyway, on 27 and 28 February, the situation gradually went back to normal, even if there were still isolated incidents, including a murder.<sup>155</sup>

#### 3.4.5. *The Delhi violence: those who helped the victims*

The Delhi disturbances of 23-28 February 2020 were the most serious and bloodiest disorders in the Indian capital since the anti-Sikh pogrom of 1984. The behaviour of the BJP politicians, starting with Narendra Modi and Amit Shah, was hypocritical and inhuman; that of the bulk of the Delhi police and the murderous goons who went on a rampage for days was viciously ferocious. No doubt there were also instances of barbarity on the part of the Muslims who reacted to the attack unleashed on their community on the

151. Somrita Ghosh, 'Band of doctors overcomes fear to save riot victims in northeast Delhi', *The New Indian Express*, 2 March 2020.

152. Anuradha Raman & Bindu Shajan Perappadan, 'Delhi violence | When the Centre cannot hold — on communal fault lines, state apathy and hope that lingers amidst despair', *The Hindu*, 7 March 2020.

153. N.D. Jayaprakash, 'Delhi Riots 2020: What Were Amit Shah and the MHA Doing When Violence Raged in the Capital?'

154. '7000 paramilitary soldiers deployed in Delhi, no major incident in 36 hours: Home Ministry', *Hindustan Times*, 28 February 2020.

155. 'Delhi violence - 1 killed in fresh attack; toll touches 42', *The Hindu*, 28 February 2020.

part of the Hindutva goons, although not on a comparable scale. Also, as in similar instances of communal disturbances in the past, there were plenty of examples of people behaving as human beings, and extending their help, sometimes at their own risk, to the victims of the violence. Many Hindu residents of the areas under the attack of the pro-Hindutva criminal gangs helped their Muslim neighbours by offering them a haven in their homes or leading them to safety beyond the area where the mayhem was going on. In Seelampur, one of the worst hit areas, members of the local Dalit community blocked the roads against the murderous pro-Hindutva mob and sheltered Muslim families, in what was rightly seen as the «unity of oppressed».<sup>156</sup> Particularly active in saving Muslim lives were the Sikhs – they themselves, as above remembered, the victim of a horrendous pogrom some decades before. Individual Sikhs rescued and brought to safety Muslim men and children trapped inside mosques and madrasas, disguising them as Sikhs, by putting turbans on their head. Also, «several Gurdwaras in North Delhi, including the prominent Manju Ka Tila Gurdwara, opened their door to people fleeing the violence».<sup>157</sup> On the other side, there were instances of local inhabitants in prevalently Muslim locations, who protected their Hindu neighbours.<sup>158</sup> No doubt, during the February violence in Delhi, devils were on a rampage, but also angels, sometimes disguised, were active. Or, maybe, they only were human beings who had not forgotten their own humanity.

### 3.5. *The defeat of the anti-CAA/NRC movement*

As above noted, by February, the anti-CAA/NRC movement was losing its drive. Nonetheless, in spite of the orgy of violence unleashed against it, the movement survived: in particular the Shaheen Bagh sit-in and many similar sit-ins around the country went defiantly on. It was the arrival of the COVID-19 pandemic that finally put an end to the movement. On 24 March 2020, Prime Minister Modi, not even consulting in advance the state governments and catching virtually everyone by surprise, imposed a 21-day nationwide lockdown, with a notice of only four hours.<sup>159</sup> On that same day:

156. Soma Basu, 'Delhi: The Anatomy of a Riot'; Shweta Sengar, 'While Delhi Violence Is Bringing Out The Worst In People, It's Also Bringing Out The Best', *India Times*, 27 February 2020;

157. Soma Basu, 'Delhi: The Anatomy of a Riot'.

158. Somrita Ghosh & Sana Shakil, 'Delhi riots: Muslim neighbours brave mob wrath to save Hindus in minority-dominated area', *The New Indian Express*, 27 February 2020.

159. Diego Maiorano, 'India 2020: The COVID-19 Pandemic and Its Impact', in this same Asia Maior issue. Of course, taking important decisions unexpectedly was part of Modi's political style. Most times in the past, they had revealed themselves to be ill-conceived and erroneous. Nevertheless, they had powerfully contributed to strengthen the idea that Modi was an exceptionally strong leader, capable and willing to face difficult situations by intrepidly and solitarily taking momentous decisions.

«After one hundred nights and days planted and growing on the street, Shaheen Bagh was uprooted [...] So were other protest sit-ins, in the National Capital Region and elsewhere».<sup>160</sup>

Most demonstrators resigned themselves to a turn of events made inevitable by the pandemic. A minority tried to fight on and offered non-violent resistance to the police, being arrested.<sup>161</sup> Others tried to continue their resistance by making use of the social media or by spreading awareness of the evils of the CAA and NRC while organizing aid for those in need because of the lockdown.<sup>162</sup> But, by the end of March, the movement was effectively over. At the beginning of June, «at least 200 organizations», most of them «believed to have Leftist ideology» and supposedly linked to the Communist Party of India and the Communist Party of India (Marxist), tried to relaunch the movement by reoccupying Shaheen Bagh and other spots in the capital. The attempt, however, did not even materialize, because of the pre-emptive and massive deployment of the police on the spots chosen for the relaunch of the movement.<sup>163</sup>

From at least one point of view, nonetheless, the anti-CAA/NRC movement had not been without results. At least up to the end of the period under review, the government appeared to have effectively shelved the implementation of the CAA.<sup>164</sup> But, as we shall see later, this may have been done simply because the government's main objective had become the eradication and destruction of the forces that had fuelled the anti-CAA/NRC movement.

### 3.6. *Framing the innocent*

As already noted, the anti-CAA/NRC movement had been countered by pro-Hindutva forces, not only by resorting to violence, but by delegitimising it. According to pro-Hindutva intellectuals and politicians, the anti-CAA/

160. Raghu Karnad, 'Farewell to Shaheen Bagh, as Political Togetherness Yields to Social Distance'.

161. According to Delhi's Police Commissioner Srivastava, at Shaheen Bagh «at least nine people were detained ... six of them women». 'Shaheen Bagh anti-CAA sit-in removed amid coronavirus lockdown', *Al Jazeera*, 24 March 2020.

162. Andrea Chung, 'How the coronavirus lockdown impacted anti-citizenship law protests in India', *Peninsula Press*, 18 June 2020.

163. 'Shaheen Bagh 2.0: Plan to revive anti-CAA protests thwarted, police on high alert', *Financial Express*, 5 June 2020 (from which the quotations are taken); 'Shaheen Bagh protest to resume? Delhi Police deploy teams after internal report hints at return of anti-CAA stir', *Timesnownews.com*, 5 June 2020.

164. However, the construction of detention centres for «foreigners» was still underway in Assam. 'Detention centre near Guwahati nears completion as PM Modi denies construction of any', *India Today*, 26 December 2019; 'NRC and story of how Assam got detention centres for foreigners', *India Today*, 27 December 2019; '«Six detention centres in Assam with capacity of 3,331 persons»: Home Ministry tells Lok Sabha', *The New Indian Express*, 17 March 2020.

NRC movement was part of a «deep-rooted conspiracy», the handiwork of a «Jihadist-Communist alliance, which anyways wants to use violence to create anarchy in the name of protests». It was this unholy alliance that was «effectively using the entire debate on Citizenship Amendment Act (CAA) and National Register for Citizenship (NRC) for spreading falsehood and instigating violence» aimed at plunging the country into anarchy.<sup>165</sup>

This theory was systematized soon after the Delhi pogrom in two self-styled fact-finding reports. The first, written by a «Group of Intellectuals and Academicians» or «GIA» was submitted to Union Minister of State for Home Affairs G. Kishan Reddy on 11 March 2020; the second, prepared on behalf of a group called «Call for Justice» or «CFJ», was submitted to Amit Shah on 29 May.<sup>166</sup> Both reports agreed on the fact that the disorders that had accompanied the anti-CAA/NRC demonstrations and, more particularly, the communal clashes in Delhi were the end-product of a conspiracy carried out by «anti-national, extremist Islamic groups and other radical groups». In turn, the ensuing pre-planned attack on the Hindu community was evidence of the implementation of a «Left-Jihadi model of revolution».<sup>167</sup>

Both reports accused various groups and grass-roots organisations which had actually been involved in the anti-CAA/NRC movement plus some individual politicians belonging to opposition parties as responsible of both the disorders and the resultant losses of human lives and property. In other words, what was a legitimate opposition activity in a democratic set-up was construed by the two reports as a sinister conspiracy on the part of radical groups and politicians, making up a urban Naxal-jihadi coalition. This coalition, «angered» by the Modi government's solution of long pending issues «such as triple talaq, Article 370 and Ram Janmabhoomi-Babri Masjid dispute», had «penetrated» the poor and illiterate Muslim communities of North East Delhi and «pushed them into riots».<sup>168</sup>

165. The quotations are from Prafulla Ketkar, 'Fix the Instigators, not Just Rioters', *Organiser*, 31 December 2019, and 'Deep-rooted conspiracy behind CAA protests, says J&K BJP', *The Pioneer*, 9 January 2020.

166. The GIA report was titled *Delhi Riots 2020: Report from Ground Zero – The Shaheen Bagh Model in North-East Delhi: From Dharna to Danga*. «Dharna» is a traditional form of non-violent protest, while «danga» is the Hindi word for «riot». The CIJ report was titled: *Delhi Riots: Conspiracy Unraveled*. On these two reports and their authors, see Divya Trivedi, 'Tale of two reports', *Frontline*, 19 June 2020, and N. D. Jayaprakash, 'Delhi Riots 2020: A Critique of Two Purported Fact-Finding Reports', *The Wire*, 6 July 2020.

167. The quotes, taken from the two reports, appear in the Trivedi's and Jayaprakash's articles quoted in the preceding footnote.

168. Divya Trivedi, 'Tale of two reports'. On the question of triple talaq see Michelguglielmo Torri, 'India 2019: Assaulting the world's largest democracy; building a kingdom of cruelty and fear', pp. 349-351.

Both reports, which soon became generally available either on the web or as published books,<sup>169</sup> were full of factual mistakes, unsubstantiated assertions, episodes quoted out of context, and logically doubtful or openly disingenuous conclusions. A point-by-point critique of the two reports cannot be done here, for lack of space, but has been done by others in great detail.<sup>170</sup> Here it suffices to point out that neither report explained how the allegedly pre-planned attack on the Hindu community in Delhi could result in thrice as many Muslim deaths as Hindu deaths and the destruction or desecration of a large number of mosques, while no Hindu temple had been touched.

The two reports were in line with the Modi government position, which had been officially stated by Amit Shah in the Lok Sabha on 11 March. According to the Home Minister, the «spread of riots on such a big scale in such a short time» was not possible «without a conspiracy». So much so that the Home Ministry had «registered a case of conspiracy to probe this angle». Shah had also warned that a «scientific investigation»

169. The GIA report is available on the web at the address <https://www.theindiapost.com/wp-content/uploads/2020/03/Final-Report.pdf>. It became a book titled *Delhi Riots 2020: The Untold Story*, authored by Monika Arora, Sonali Chitalkar and Perna Malhotra. The book was originally published by Bloomsbury India, which, however, on 22 August 2020, on the eve of the official presentation of the book, decided to send it to the rubble, without distributing it. The reasons of Bloomsbury India's decision were not clearly explained in the statement released by the publishing press (available, e.g., in 'Publisher withdraws book on Delhi riots, author goes ahead with virtual launch', *Hindustan Times*, 23 August 2020). It is possible that, as argued by a pro-BJP portal, the decision was imposed on Bloomsbury India by its parent body in England, following the action of a group of progressive authors of the publishing press, in particular well-known historian and publicist William Dalrymple ('Left historian William Dalrymple was behind the withdrawal of book on Delhi riots by Bloomsbury, inform writer Aatish Taseer', *OpIndia.com*, 22 August 2020). *Delhi Riots 2020: The Untold Story*, nonetheless, immediately found a new publisher – Garuda Prakashan – just one day after Bloomsbury withdrawal. On its part, the CFJ report was published as Aditya Bhardwaj & Ashish Kumar Anshu, *Delhi Riots: Conspiracy Unravelling*, New Delhi: Prabhat Prakashan, 2020.

170. A detailed and in-depth criticism of the two reports appeared as the five-part series of articles titled 'Delhi Riots 2020', authored by N. D. Jayaprakash and published in *The Wire* on 6, 7, 8, 14 & 15 July 2020. For a review of *Delhi Riots 2020: The Untold Story*, see Himanshi Dahiya & Kritika Goel, 'Factual Errors in «Delhi Riots 2020» Book Fuel Conspiracy Theories', *The Quint*, 28 August 2020. The reviewers found this soi-disant «serious document of research» replete «with factual errors, unsubstantiated claims and conspiracy theories». This same book's most detailed and in-depth review – some 14,000-word long – is however the one prepared by a voluntary citizens' collective of academics and activists, published in *Kafila* on 19 September 2020 under the title: 'Sifting Evidence – A review of «Delhi Riots 2020: The Untold Story»: Karwan-e-Mohabbat, Anhad and Muslim Women's Forum' (<https://kafila.online/2020/09/19/sifting-evidence-a-review-of-delhi-riots-2020-the-untold-story-karwan-e-mohabbat-anhad-and-muslim-womens-forum>).

was underway into the riots and all those who had caused the violence would not escape the law.<sup>171</sup>

It soon became evident that the conclusions of the two reports and the assertion of some BJP politicians, including Amit Shah, had become the constituent parts of a theorem which informed the conduct of police enquiries in Delhi and in the BJP controlled states and much of the related court judgements.<sup>172</sup> In fact, the hunt for those guilty of resisting the communal and authoritarian policies of the Modi government had already started in February. The outbreak of the COVID-19 pandemic briefly froze the campaign of arrests. However, it resumed in full swing in April and, at the close of the period under review (31 December 2020) was still ongoing.

The action of both the police and much of the judiciary against the supposed instigators and/or perpetrators of the CAA/NRC-related violence, coherently with the theorem on which it was based, had some well-defined features. A first one was the tendency of the police to focus their enquiries on the anti-CAA/NRC activists, particularly if Muslims, while leaving totally apart the responsibilities of the pro-CAA/NRC activists, in particular their leaders – among whom, as was public knowledge, there were several BJP politicians. A second main feature of the police work was the tendency to arrest those (Muslim) victims who tried to submit a complaint against the criminals who had attacked them. A third characterizing element of the police work was the propensity to ground the arrests on grossly manipulated proofs, such as out-of-context short excerpts from much wider public speeches or testimonies of people whose identities were kept confidential. According to some newspaper enquiries, in most cases these same witnesses had been coerced by the police to mendaciously implicate individuals indicated by the police themselves.<sup>173</sup>

171. 'Delhi communal riots pre-planned, part of a conspiracy, says Amit Shah', *Hindustan Times*, 11 March 2020.

172. For at least eight instances of coincidence between the Delhi police legal filings and the allegations made in *Delhi Riots 20020: The Untold Story* see the Kafila Report, quoted in fn. 167, or the handy summing up of this part of the Kafila enquiry, given in Ayswarya Murthy, 'The Book That The Delhi Police Want You To Read', *Article14*, 18 September 2020.

173. See «A Silent Crackdown» series of articles, published in Scroll.in on 8 October 2020 (<https://scroll.in/topic/56298/a-silent-crackdown>). They are: Arunabh Saikia & Vijaya Lalwani, 'Special report: A silent crackdown sweeps through Delhi in the guise of probing riots conspiracy'; Vijaya Lalwani, 'The young student: 'Am I still in a democracy? The police made me question my harmless intentions''; Arunabh Saikia, 'The food seller: 'Police said your children will really suffer if you don't speak up''; Arunabh Saikia, 'The creative producer: «For me, a revolution is less romantic now. The consequences are more real''; Vijaya Lalwani, 'The social activist: 'Police said they had the right to torture me in the interrogation''; Arunabh Saikia, 'The scientist: 'Police let riots happen to delegitimise the protest. Now they are criminalising it''; Arunabh Saikia, 'The communications professional: «I thought blocking the roads

Of course, the people implicated by this manipulated evidence were all opponents not only of the CAA and NRC but, more generally, of the Modi government's communal policies and Hindutva groups' verbal and actual violence against minorities. The last, but certainly not least, feature of the action against the anti-CAA/NRC activists and sympathisers was the tendency of the part of the courts – barring a few honourable exceptions<sup>174</sup> – at behaving on the basis of what can only be defined as a presumption of guilt toward those accused by the police.<sup>175</sup>

From February onwards the most representative informal leaders or sympathizers of the pro-democracy movement were arrested on charges including occupation of public space, rioting, unlawful assembly, attempt to murder, and murder. In many cases the accused were booked under the libelicide UAPA. As seems to have become the rule in India, the detained were frequently subjected to unreasonably harsh conditions of imprisonment.<sup>176</sup>

Arrests, nonetheless, were only part of the campaign of intimidation carried by the police against concerned citizens, prominent critics of the Modi government, and individuals who were potential rallying points of the opposition to the Hindutva hate campaigns. For common people, this intimidation drive included repeated convocations to police stations, hours-long waits before being interrogated, followed by even longer interrogations, usually punctuated by veiled or open threats. It was during these interrogations that the police tried to coerce the people under interrogation, often succeeding, in signing pre-arranged «testimonies» implicating the critics of the government in the supposed «conspiracy» at the roots of the Delhi riots.<sup>177</sup>

For prominent critics of the Modi government – namely well-known personalities at the national and, sometimes, world-wide level – the intimidation campaign was subtler. It was carried out by leaking news to the press

was stupid, but not sinister»; Arunabh Saikia, 'The civil services aspirant: «Police abused me and threatened to send me to remand»'. See also Tarushi Aswani, 'Delhi Riots: Police «Offered to Release» Jailed Man if He Named 10 Muslims in CCTV Footage', *The Wire*, 20 September 2020.

174. E.g., 'Probe targeted only towards one end in riots case, says Delhi court', *The Hindu*, 28 May 2020; 'SC Dismisses Delhi Police Plea Against Bail Granted To Pinjra Tod Activist in Riots Case', *The Wire*, 28 October 2020; 'Delhi Riots: Court Directs Police to Segregate FIRs of Different Nature', *The Wire*, 1 November 2020.

175. The Wire Staff, '«Unending Witch-Hunt of Muslims»: Eminent Citizens Condemn Targeted Arrests of Anti-CAA Protesters', *The Wire*, 18 April 2020; Vijayta Lalwani, 'In Delhi violence investigation, a disturbing pattern: Victims end up being prosecuted by police', *Scroll.in*, 23 May 2020; Apoorvanand, 'Having Scripted a Drama About the Delhi Violence, the Police is Now Casting for Characters', *The Wire*, 30 May 2020; Vijayta Lalwani, 'Backgrounder: What is Delhi Police's riots conspiracy case?', *Scroll.in*, 8 August 2020.

176. For an overview see Geeta Pandey, 'Why is India denying prisoners spectacles and straws?', *BBC News*, 27 December 2020.

177. See fn. 173.



or to friends of the persons involved – news that were later denied – that the police were closing down on them and their arrest was imminent.<sup>178</sup>

The whole campaign of intimidation and arrests carried out by the police and, more often than not, validated by the Courts appears to have been contrary to the most basic rules of correctness and justice. Exemplary of the disingenuity and malevolence behind it, at least in the eyes of this writer, are three cases which, because of lack of space, cannot be discussed here but deserve to be remembered. The first is that of Usman Saifi, a Muslim resident of Mustafabad, who, during the disorders, guarded, together with others, the local Hindu temple, protecting it from any damage. Saifi was arrested, being «charged under various sections of the IPC [Indian Penal Code], including rioting».<sup>179</sup> The second case concerns Dr M. A. Anwar, the owner of Al Hind hospital, who, in what a pro-government portal indicated as «a major development in the *Anti-Hindu Delhi riots* case», was accused to have promoted a protest which had resulted in mob violence, leading to the murder of a 20-year-old Hindu youth, Dilbar Negi.<sup>180</sup> The third example is that of film director Rahul Roy, as above remembered the most well-known among the concerned citizens who had approached the Delhi High Court in relation to the Al Hind hospital plight. Roy was accused to be part of the conspiracy behind the Delhi riots and, therefore, guilty of arson, rioting and murder.<sup>181</sup>

#### 4. Conclusion

In this and in a previous article,<sup>182</sup> this author has analysed the crisis of Indian democracy as it took place since the 2019 general election. Since

178. This was the case with world-renowned economist Jayati Ghosh; Delhi University Professor and well-known columnist and political commentator Apoorvanand; CPI(M) General Secretary Sitaram Yechury; well-known political scientist and social activist Yogendra Yadav and documentary filmmaker Rahul Roy. See 'Delhi Police Spreads Riots «Conspiracy» Net, Drags In Eminent Academics and Activists', *The Wire*, 12 September 2020; and 'Yechury, Yadav, Jayati Ghosh not charged in Delhi riots, says Police', *The Pioneer*, 14 September 2020. See also 'Apoorvanand interview: «They are telling Muslims, don't dare do this. You have no right to protest»', *Scroll.in*, 11 October 2020. Interestingly, soon after the intimidating move of the Delhi police, Jayati Ghosh, who had just reached retirement age at JNU, moved out of India and joined the University of Massachusetts Amherst.

179. Sashikala VP, 'Cops terrorise riot-hit areas'.

180. 'Delhi Riots: Delhi Police charge-sheet says Dr Anwar, owner of a local hospital, organised riots that led to the killing of Dilbar Negi', *OpIndia*, 27 June 2020. Emphasis added; capital letters as in the original.

181. Seemi Pasha, 'Rahul Roy, Saba Dewan – Named in Delhi Police's Riot Chargesheet – Have a History of Promoting Peace', *The Wire*, 26 September 2020. See also Ajoy Ashirwad Mahaprashasta, 'How Delhi Police Turned Anti-CAA WhatsApp Group Chats Into Riots «Conspiracy»', *The Wire*, 3 August 2020.

182. Michelguglielmo Torri, 'India 2019: Assaulting the world's largest democracy; building a kingdom of cruelty and fear'.

then, India's formal democratic system has not been altered, if not in a superficial way.<sup>183</sup> After Modi's smashing victory in the 2019 general election – the event that, in this author's reconstruction, was the launching pad for the all-out assault on Indian democracy – free elections continued to be regularly held in several states and the National Capital Territory of Delhi. These elections were free, as shown, *inter alia*, by the fact that the party in power in the Indian national parliament, the BJP, did not always emerge as the winner. Free elections, nonetheless, although a *sine qua non* for the working of a democracy, are not sufficient to make a political system democratic. The power of the majority, which controls the executive and legislative powers, must be moderated through a series of working checks and balances, aimed at protecting individuals and minorities against the possible abuses of the majority. A non-exhaustive list of these checks and balances includes an independent judiciary, a police force which scrupulously acts according to the law; a free press; the possibility for civil society to organise and act through self-created ad hoc organizations, the possibility for individuals to freely express their own ideas and act on their basis (with the only limitation, in doing that, of not damaging other individuals or the society at large). These checks and balances, which are absolutely indispensable for the functioning of a healthy democracy even in homogeneous societies, are even more important in a plural society like India, characterised by the presence of a dense network of minorities of various kinds. Unfortunately, what has been happening in India – creepingly in the years 2014-2019; explicitly and arrogantly since the aftermath of the 2019 general election – has been the systematic destructions of the existing checks and balances.

This process of destruction has been the focus of the analysis carried out by this author both in this and another article, and needs not to be summarised here. What is important to highlight at this point is that, presently, India cannot be defined a democracy anymore, even if it is not yet a full-fledged dictatorship. In Italian there is neologism which nicely defines the situation in which India is at the moment: «democrazia», a word created by conflating «democrazia (democracy)» and «dittatura (dictatorship)».<sup>184</sup>

183. For example, through the cancellation, in September 2020, of the question hour during the monsoon session of Parliament. 'No Question Hour in Parliament Monsoon Session, Opposition says Covid-19 excuse to murder democracy', *India Today*, 2 September 2020.

184. In a brilliant article, published after the closing of this one, James Manor unambiguously states that «India is no longer a liberal democracy». He describes it as a «competitive authoritarianism». James Manor, 'A New, Fundamentally Different Political Order: The Emergence and Future Prospects of 'Competitive Authoritarianism' in India', *Economic & Political Weekly*, Vol. 56, No. 10, 6 March 2021. Again after the closing of this article, US-based non-profit Freedom House and Sweden-based V-Dem institute, in their annual reports on democracy, described India as a «partly free» country (Freedom House) and an «electoral autocracy»

It is also important to stress that the present Indian «democratura» has not yet become a stable system. This author has little doubts on the fact that the Narendra Modi-headed authoritarian Hindutva forces do intend to carry on their work of destruction of any significant liberties for individuals and minorities. One of the main Indian historians, Ramachandra Guha, does evidently share this conviction, as shown in a recent article, where he lists the worrying but unmistakable similarities between the Italy of the 1920s, namely the decade when Benito Mussolini conquered power, and the India of the 2020s.<sup>185</sup> This author too has been aware of these similarities; moreover, he has always been impressed both by a certain physical resemblances between the Duce and Modi<sup>186</sup> and, even more, by the strong similarities of the body languages of the Italian dictator and the Indian premier.<sup>187</sup> Nonetheless, the comparison between Mussolini and Modi, Italian fascism in the 1920s and present-day Hindutva is correct only as far it goes. After all Mussolini conquered power through a quasi-coup d'état, the so-called March on Rome, while nothing like that has happened in Modi's case, who ascended to power through absolutely legal means. Also, in the Fascist ideology of the 1920s – characterized by extreme nationalism, contempt for democracy, and a belief in a hierarchical society – there was no space for discrimination and hate towards religious or ethnic minorities, which is such an overriding and central element in the Hindutva ideology.<sup>188</sup> The conclusion is inescapable that, unfortunately, India in the 2020s resembles less Italy in the 1920s than Germany in the 1930s. Hitler went to power in an absolutely democratic way; also, central to Nazi ideology was the contempt and hate for «inferior races», starting with the Jews. Of course, nowadays the concept of «race» has been substituted with that of «culture», but, from a pragmatic viewpoint, the difference is only cosmetic.<sup>189</sup>

(V-Dem). On its part, The Economist Intelligence Unit described India as a «flawed democracy», moving it two places down, to 53<sup>rd</sup> position in its Democracy Index. Soutik Biswas, '«Electoral autocracy»: The downgrading of India's democracy', *BBC News*, 16 March 2021.

185. Ramachandra Guha, 'Uncanny Parallels', *The Telegraph*, 12 September 2020.

186. Which, however, has largely disappeared during the pandemic, when the Indian Premier grew a beard and hair, taking on the appearance of a Hindu holy man.

187. The similarities in Mussolini's and Modi's body languages are nicely caught in a photo inserted in the Scroll.in reprint of Guha's article. See Ramachandra Guha, 'Ram Guha: Reading about Mussolini's Italy in Modi's India', *Scroll.in*, 13 September 2020.

188. Antisemitism became an integral part of the ideology of Italian fascism only in the second half of 1930s.

189. On this see Aziz Al-Azmeh, *Islams and Modernities*, London: Verso, 1996 (2<sup>nd</sup> edition).

What has just been stated does not mean that this author is convinced that the Indian «democratura» is bound to morph into an Indian version of the Nazi regime. But he is convinced that the risk does exist and can be averted only by an unambiguous and all-out struggle against the forces of Hindutva. A struggle that is presently fought by consistent swathes of the Indian people, but, very sadly, without any sustained help from the non-BJP parties.